This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

18
534

HARVARD LAW LIBRARY

Gift of
James Munson Barnard
and
Augusta Barnard

RECEIVED JUL 16 1932

The American and Haytien Claims Commission.

THE UNITED STATES

vs.

THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier.

RECORD.

WASHINGTON, D. C.

1885.

JUL 1 6 1932
7/16/32

HAYTI: PELLETIER AND LAZARE CLAIMS.

PROTOCOL OF AN AGREEMENT

BETWEEN

THE SECRETARY OF STATE OF THE UNITED STATES AND THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF HAYTI.

FOR SUBMISSION TO AN ARBITRATOR OF THE CLAIMS OF ANTONIO PELLETIER AND A. H. LAZARE, AGAINST HAYTI.

Signed May 24, 1884.

Protocol of an Agreement for the submission to an arbitrator of the claims known as the Pelletier and Lazare claims against Hayti.

Whereas, the Government of the United States of America has presented to the Government of Hayti, the claims of Antonio Pelletier and A. H. Lazare for indemnity for acts against person and property alleged to have been done by Haytien authorities; and

Whereas, the Government of Hayti has persistently denied its liability in the premises; and

Whereas, the Honorable William Strong, formerly one of the Justices of the Supreme

Protocole des Conventions faites en vue de soumettre à un arbitre les réclamations connues sous le nom des réclamations Pelletier et Lazare contre Haïti.

Attendu que le Gouvernement des États-Unis d'Amérique a présenté au Gouvernement d'Haïti les réclamations d'Antonio Pelletier et d'A. H. Lazare, afin d'obtenir des indemnités pour actes contre la personne et la propriété qui auraient été commis par des autorités haïtiennes; et

Attendu que le Gouvernement d'Haïti a constamment nié sa responsabilité dans la matière; et

Attendu que l'honorable William Strong, autrefois juge à la Cour Suprême des États-Unis

Court of the United States of America, inspires both the contracting parties with full confidence in his learning, ability and impartiality: therefore

The undersigned Frederick T. Frelinghuysen, Secretary of State of the United States, and Stephen Preston, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Hayti, duly empowered thereto by their respective Governments, have agreed upon the stipulations contained in the following articles.

ARTICLE I.

The said claims of Antonio Pelletier and A. H. Lazare against the Republic of Hayti shall be referred to the said Honorable William Strong, as sole Arbitrator thereof, in conformity with the conditions hereinafter laid down.

ARTICLE II.

The following facts as to these two claims are admitted by the Government of Hayti.

AS TO ANTONIO PELLETIER:

That Pelletier was master of the bark "William," which vessel entered Fort Liberté about the date claimed (31st of March 1861); that the master and crew were arrested and tried on a charge of piracy and attempt at slave trading; that Pelletier, the master, was sentenced to be shot and the mate and other

d'Amérique, inspire aux deux parties contractantes entière confiance dans sa science, son habileté et son impartialité: En conséquence,

Les soussignés, Frederick T. Frelinghuysen, Secrétaire d'État des États-Unis, et Stephen Preston, Envoyé extraordinaire et Ministre plénipotentiaire de la République d'Haïti, ayant reçu les pouvoirs nécessaires de leurs Gouvernements respectifs, ont arrêté les Conventions contenues dans les articles suivants:

ARTICLE I.

Les dites réclamations d'Antonio Pelletier et d'A. H. Lazare contre la République d'Haïti seront référées à l'honorable William Strong, dont il vient d'être parlé, comme seul arbitre en la matière, sous les conditions ci-après exprimées.

ARTICLE II.

Les faits suivants sont admis par le Gouvernement d'Haïti en ce qui regarde ces deux réclamations.

QUANT À ANTONIO PELLETIER.

Que Pelletier était Capitaine de la barque "William," lequel navire entra dans le port de Fort Liberté à peu près à la date énoncée (le 31 Mars, 1861); que le Capitaine et l'équipage furent arrêtés et jugés comme accusés de piraterie et de tentative de traite des noirs; que Pelletier, le capitaine, fut condamné à être

members of the crew to various terms of imprisonment; that the Supreme Court of Hayti reversed the judgment as to Pelletier, and sent the case to the Court at Cape Haytien, where he was retried, and sentenced to five years' imprisonment; and that the vessel, with her tackle, was sold, and the proceeds divided between the Haytien Government and the party who, claiming to have suffered by her acts, proceeded against the vessel in a Haytien tribunal.

fusillé, et que le second et les autres gens de l'équipage furent condamnés à diverses peines d'emprisonnement; que la Cour Suprême d'Haïti (Tribunal de Cassation) mit à néant le jugement contre Pelletier, et renvoya l'affaire à la cour de Cap Haïtien ou Pelletier fut jugé de nouveau, et condamné à cinq ans d'emprisonnement, et que le navire, avec ses agrès, fut vendu, et les produits divisés entre le Gouvernement haïtien et les personnes qui, prétendant avoir été les victmes de ses actes, avaient procédé contre le vaisseau devant un Tribunal haïtien.

AS TO A. H. LAZARE:

That Lazare entered into a written contract with the Haytien Government, September 23, 1874, for the establishment of a National Bank at Port-au-Prince, with branches, — the capital being fixed first at $3,000,000, and afterwards reduced to $1,500,000 of which capital the Government was to furnish one-third part and Lazare two-thirds; that the Bank was to be opened in one year from the date of the contract, and an extension of forty-five days on this time was granted on Lazare's request; and that on the day when the Bank was to be opened the Haytien Government, alleging that Lazare had not fulfilled his part of the engagement, declared, in accordance with the stipulations of Article 24 of the agreement, the contract null and void, and forfeited on his, Lazare's, part.

QUANT À A. H. LAZARE.

Que Lazare fit un contrat écrit avec le Gouvernement haïtien le 23 Septembre 1874, à l'effet d'établir une Banque Nationale au Port-au-Prince, avec des succursales, — le capital étant fixé d'abord à $3,000,000 et ultérieurement réduit à $1,500,000; le Gouvernement devait en fournir un tiers et Lazare deux tiers; que la Banque devait être ouverte dans un an, à partir de la date du contrat, — qu'une prolongation de quarante-cinq jours fut accordée à la demande de Lazare, et que le jour ou la Banque devait être ouverte, le Gouvernement haïtien alléguant que Lazare n'avait pas éxécuté les obligations qui résultaient de son contrat, déclara, aux termes des stipulations de l'article 24 de la Convention, le contrat nul et non avenu, et Lazare de son côté déchu de ses droits.

Article III.

The said Arbitrator shall receive and examine all papers and evidence relating to said claims, which may be presented to him on behalf of either Government.

If, in presence of such papers and evidence so laid before him, the said Arbitrator shall request further evidence, whether documentary or by testimony given under oath before him or before any person duly commissioned to that end, the two Governments, or either of them, engage to procure and furnish such further evidence by all means within their power, and all pertinent papers on file with either Government shall be accessible to the said Arbitrator.

Both Governments may be represented before said Arbitrator by Counsel, who may submit briefs, and may also be heard orally if so desired by the Arbitrator.

Article III.

Le dit arbitre recevra et prendra en considération tous les documents et preuves relatifs aux dites réclamations qui pourront lui être présentés au nom de l'un des deux Gouvernements.

Si, en présence de ces dits documents et preuves ainsi soumis, le dit arbitre demande que des preuves additionnelles écrites au testimoniales, soient produites devant lui ou devant toute personne dûment nommée à cet effet, les deux Gouvernements ou l'un d'eux s'engagent à procurer et à fournir par tous les moyens en leur pouvoir ces preuves additionnelles ; et tous les documents pertinents dans les archives de l'un des deux Gouvernements seront accessibles au dit arbitre.

Les deux Gouvernements auront le droit de se faire représenter devant le dit arbitre par des Conseils qui pourront présenter des mémoires (" briefs ") et qui pourront être aussi entendus oralement, si l'arbitre le désire.

Article IV.

Before entering upon the discharge of his duties, the said Arbitrator shall subscribe to the following declaration :

" I do solemnly declare that I will decide impartially the claims of Antonio Pelletier and A. H. Lazare preferred on behalf of the Government of the United States against the Government of the Republic of Hayti ; and

Article IV.

Avant d'entrer dans l'exercice de ses fonctions, le dit arbitre signera la déclaration suivante :

" Je déclare solennellement que je déciderai avec impartialité les réclamations d'Antonio Pelletier et d'A. H. Lazare présentées au nom du Gouvernement des États-Unis contre le Gouvernement de la République

that all the questions laid before me by either Government in reference to said claims shall be decided by me according to the rules of International Law existing at the time of the transactions complained of."

d'Haïti ; et que toutes les questions qui me seront référés par l'un des deux Gouvernements au sujet des dites réclamations seront décidées par moi d'après les principes du droit international en vigueur à l'époque des évènements qui font le sujet des réclamations."

ARTICLE V.

The said Arbitrator shall render his decision, separately, in each of the aforesaid cases, within one year from the date of this agreement.

ARTICLE V.

Le dit arbitre devra rendre sa décision séparément dans chacune des affaires susdites, dans un an à partir de la date de cette Convention.

ARTICLE VI.

The High Contracting parties will pay equally the expenses of the Arbitration hereby provided; and they agree to accept the decision of said Arbitrator, in each of said cases, as final and binding, and to give to such decision full effect and force, in good faith, and without unnecessary delay or any reservation or evasion whatsoever.

ARTICLE VI.

Les Hautes parties contractantes payeront en parts égales les dépenses de l'arbitrage qui est ici convenu ; et elles s'engagent à accepter la décision du dit arbitre dans chacun des dits cas comme finale et obligatoire, et à donner à cette décision plein effet et vigueur de bonne foi, sans délais qui ne seraient pas justifiables et sans réserve et sans évasion quelle qu'elle soit.

In witness whereof, the undersigned have hereunto set their hands and seals this twenty-eighth day of May, 1884.

En foi de quoi, les soussignés ont signé la présente et y ont apposé leurs sceaux le vingt-huitième jour de mai, 1884.

FREDK. T. FRELINGHUYSEN. [SEAL.]
STEPHEN PRESTON. [SEAL.]

THE

American and Haytien Claims Commission.

THE UNITED STATES

vs.

THE REPUBLIC OF HAYTI.

IN THE MATTER OF THE CLAIMS

OF

ANTONIO PELLETIER

AND

A. H. LAZARE

AGAINST

THE REPUBLIC OF HAYTI.

DEPARTMENT OF STATE,
WASHINGTON, *November* 10*th*, 1884.

Under and in pursuance of the Protocol of Agreement between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Hayti, for the submission to an arbitrator of the claims of ANTONIO PELLETIER and A. H. LAZARE against Hayti, signed May 24th, 1884, the arbitrator duly agreed upon by the two Governments, the Hon. WILLIAM STRONG, formerly one of the Justices of the Supreme Court of the United States of America, held the first session of the Commission in the Department of State, at Washington, to-day at 12 o'clock M. The Government of the United States was represented by the Solicitor-General of the United States, SAMUEL F. PHILLIPS, assisted by the private counsel of the claimants, A. H. JACKSON, Esq., on behalf of Antonio Pelletier, and Messrs. FOSTER &

THOMSON, on behalf of A. H. Lazare. The Government of Hayti was represented by the Marquis DE CHAMBRUN and the Hon. GEORGE S. BOUTWELL.

Mr. WILLIAM B. PEDDRICK was selected as the joint secretary of the two Governments respectively.

The ARBITRATOR stated that he had subscribed to the declaration required by Article 4 of the Protocol.

After preliminary discussion as to the mode of taking testimony, the Arbitrator said that he thought if both sides agreed upon a method, and he coincided with their views, he would ratify it.

It was agreed by all parties that the case of Antonio Pelletier should be first taken up for trial, and the Arbitrator fixed Monday, the 17th inst., as the time when the statement in that case should be presented, with the understanding that the case should proceed as rapidly as possible to completion.

The Commission then adjourned to Monday, November, the 17th, 1884, at 9 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *November* 17, 1884.

Pursuant to adjournment, the Commission met this morning at 9 o'clock.

Present:

Hon. WILLIAM STRONG, the Arbitrator.

Messrs. A. H. JACKSON and A. L. MERRIMAN, Counsel on behalf of the claimant, and the Marquis DE CHAMBRUN and the Hon. GEORGE S. BOUTWELL, Counsel on behalf of the Republic of Hayti.

Mr. JACKSON then presented the following opening statement on behalf of the claimant:

OPENING STATEMENT OF COUNSEL FOR CLAIMANT.

MR. ARBITRATOR:

I shall state the facts of this remarkable case as briefly as their number and importance will allow, and, at the same time, afford a full view of the case as it exists before the Department of State and as we expect to present it to the Arbitrator. I am sure it will be conceded that very seldom, if ever, have so many thrilling incidents by land and sea concentrated in so brief a space of time in any human life; and it is still more

infrequent that courts or commissions are invoked to adjudicate causes between civilized nations, so terribly real and yet sounding so like the wildest fiction. Tempests, shipwreck, charges of piracy, slave trading, illegal trials, suborned courts, perjured juries and witnesses, and the imprisonment of judges, attorneys, and witnesses; the most savage cruelties, murder, long and painful imprisonments, and finally the miraculous escape and return to a desolated home, with neither wife nor loved ones to greet him, broken in health and ruined in fortune; such was the fate of Antonio Pelletier.

The admitted facts of this strange case are as follows: Antonio Pelletier, the claimant herein, a native of France, was a naturalized citizen of the United States, his final papers bearing date the sixth day of October, A. D. 1852. (Mis. Doc. 57, 43d Cong., 3d Sess., p. 44.)

In August, 1860, Pelletier bought at auction at Key West the bark William, a condemned slaver. He took the bark to Mobile and transferred the title to E. Dulauny, of the firm of Dulauny, Rice & Co., of New Orleans, of which firm he was a partner. Pelletier loaded the vessel with pitchpine lumber, and sailed for Carthagena, where he arrived in November, 1860. When he reached there he found a revolution in progress, which prevented him from selling more than a small part of the cargo. After staying about two weeks at Carthagena, he cleared for Rio Hacha, taking as passengers one Binar, a colored political refugee, and Mr. Juan Cortez, wife, child, and servant and a quantity of merchandise which he, Cortez, represented to be his own property. In consequence of the prevalence of strong northeasterly winds, the vessel got so much out of its course for Rio Hacha that Cortez became alarmed on account of the delicate state of his wife's health and insisted upon the vessel's making for the first accessible port in order that he, his family, and effects might be placed on shore. The vessel consequently put into the island of Grand Cayman, on the 17th of December, 1860. Pelletier went at once with Mr. Cortez to Mr. Eden, the United States consular agent,

and noted his protest. The next morning Cortez and his family landed. Pelletier then asked Mr. Eden, as his consignee, to settle with Cortez and to require him to take his goods from the vessel. The account of Pelletier against Cortez was furnished to Eden, but the former having no money, the latter proposed to him to place the merchandise on board of a schooner of his own, pay Pelletier's bills, and take him and his family in the schooner to Jamaica. Some of Cortez' property, however, having been found to be damaged by sea water, the whole was offered at auction. The bids not being satisfactory to Cortez, Pelletier, at his instance, bought the property for $1,000. Cortez made an affidavit before Eden that he was the sole owner of the goods, and the consular agent gave Pelletier a certificate of the whole transaction under his official seal. (See protest of Pelletier, Collar and Brown, Ex. Doc. 260, 40th Congress, 2d session, p. 127–8. Deposition of Wm. Eden, jr., vice-consul U. S., Ex. Doc. 260, pp. 61–3. Joint depositions of Jennett, Boden, Thompson, and Coe, shipmasters, Ex. Doc. 260, p. 60, and depositions on pp. 37, 45, 46, 125–6.)

The protest of Pelletier, before Mr. Eden, the vice-consular agent of the United States, at Grand Cayman, dated Dec. 20th, 1860, and the deposition of said agent (Ex. Doc. 260, p. 127) as to the occurrences therein mentioned, are made a part of this statement because they completely obliterate the more serious charges subsequently preferred against Pelletier, and upon which he was tried, imprisoned, condemned to death, and despoiled of his property by the authorities of the Republic of Hayti.

Pelletier's Protest.

"By this public instrument of declaration and protest, be it known and made manifest unto all to whom these presents shall come or may come, that on the 19th day of December, 1860, before me, William Eden, junior, deputy vice-consul of the United States of America for Grand Cayman and the de-

pendencies thereof, personally came and appeared Antonio Pelletier, master of the ship or vessel called the William, of New Orleans, of the burthen of two hundred and fifty tons, or thereabouts, now lying in the port of Georgetown, laden with a cargo of pitch, pine lumber, bales of tobacco, boxes of soap, and bags of corn, who duly noted and entered with me, the said consul, his protest for the uses and purposes hereafter mentioned; and now, on this day, to wit, the day of the date hereof, before me, the said consul, again comes the said Antonio Pelletier, and requires me to extend this protest; and together with the said Antonio Pelletier also comes Samuel B. Gordon, mate, Charles Tiscomer, carpenter, James Anderson, and William Smith, seamen of, and belonging to, the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did, severally, voluntarily, freely, and solemnly declare, depose, and state, as follows, that is to say, that these appearers, on the 6th day of December, 1860, in their capacities aforesaid, sailed in and with the said ship from the port of Carthagena, laden with a cargo as aforesaid, and bound to the port of Rio Hatcha; that the said ship was then tight, staunch, and strong, had her cargo well and sufficiently stored and secured, had her hatches well caulked and covered, was well and sufficiently manned, victualled, and was furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that on the 6th instant, at 5.30 P. M., got under under way and stood to sea from the harbor of Carthagena; at 8 A. M. came to anchor off Boca Chica; at 10 A. M. got under way and stood to sea; fresh breezes and clear; on the 7th pleasant weather, beating to windward; on the 8th commenced strong northeast gales; at 3.7 A. M. came to anchor off Point Canoe, blowing heavily, both anchors, ahead with a heavy sea; at 5 P. M. hove up the best bower; at 6 A. M. parted the chain, blowing heavily from northeast, made sail and stood to sea; on the 9th fresh gales and clear; at 2 P. M. carried away the outer bob-stay, the ship pitching very heavily; on the 10th strong gales and clear, ship laboring heavily, carried away the lashing of the spars and lost four pipes of water; nothing remarkable happened until the 16th, strong northeast gales and squally; at 2 A. M. sprung the main port trussletrees; at 6.30 P. M. pleasant weather; at 1 A. M. cloudy and squally weather; at 3.30 A. M. wore ship and stood to the northward and westward;

experienced strong current running to the westward, latitude 17° 54′ north, longitude 79° 52′ west. On the 19th commences pleasant breezes from the north and east, all sail set. At 1 A. M. Mr. Juan Cortez, passenger, came to the said captain and requested him to change his course for the first port he could make on account of the sickness of his wife, (passenger,) who was in danger of abortion, and offering to pay all expenses that may be incurred, to which the said captain consented and kept away for the island of Grand Cayman, and anchored at the port of Georgetown in said island on the evening of the 19th; and these appearers, upon their oaths aforesaid, do further declare and say, that during the said voyage they, together with the others of the said ship's company, used their utmost endeavors to preserve the said ship and cargo from all manner of loss, damage, and injury.

"Wherefore the said Antonio Pelletier, master, hath protested, as by these presents I, the said consul, at his special instances and request, do publicly and solemnly protest, against all and every person and persons whom it doth or may concern, and against winds, waves, and billows of the seas, and against all and every accident, matter, and thing, had and met with as aforesaid, whereby and by reason whereof the said vessel or cargo already has or hereafter shall appear to have suffered or sustained injury or damage; and do declare that all losses, damages, cost, charges, and expenses, that have happened to the said vessel or cargo, or to either, are and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency of said vessel, her tackle or apparel, or default or neglect of this appearer, his officers, or any of his mariners.

"This done and protested in the port of Georgetown, Grand Cayman, this 20th day of December, 1860. In testimony where of these appearers have hereunto subscribed their names, and I, the said consul, have granted to the said master this public instrument under my hand and seal of this consulate, to serve and avail him and all others whom it doth and may concern, as need and occasion may require."

Vice-Consular Agent Eden's Deposition.

"William Eden, junior, sworn, states, that on the 19th of December last, the American bark William, of New Orleans,

Antonio Pelletier, master, arrived in the harbor of Georgetown, said island. The said master, soon after, applied to me as deputy consular agent of the United States—father, William Eden, senior, being off the island—requiring me to note and extend a protest relative to circumstances which occurred on her voyage from Carthagena to this place, which I accordingly did, very minutely, from his log-book.

"The next day, the said Antonio Pelletier stated that he had certain cargo on board, consisting of tobacco, corn, and soap, belonging to a passenger on board by the name of Cortez, and that he wanted a vessel to take it to Jamaica, along with Cortez and family, at the same time stating that he had a claim against Cortez for $500 up to date, for putting himself out of the way to land said Cortez to the first port he could make. The vessel was got ready, and commenced to take in cargo, which I agreed to advance on to the amount due Pelletier, agreeable to the wishes of Juan Cortez, but as the cargo came out of the bark, it proved to be considerably damaged. I then refused to advance on it. A public sale was then called, agreeable to all parties, by me, as agent, and the articles were put up to public competition, but not realizing prices suitable, the sale was stopped, and the parties, namely, Juan Cortez and Pelletier, had some contention about it in Spanish, which I did not understand; after which I was made to understand, by Domingo Martinez, the linguist employed, that Cortez agreed to sell the said cargo to Pelletier for the sum of $1,000, which was more than it would have realized at auction, for which a bill and receipt, made out by me, was passed between the parties, apparently satisfactory. Cortez left this in a small schooner belonging to me, chartered to take him to Kingston, for which I received from Cortez $100, and from Pelletier $150, equal to $250, being the amount of charter. Juan Cortez took breakfast with me the morning he left, and expressed himself perfectly satisfied with my proceedings."

On the 24th of December, the William cleared from Grand Cayman for Port-au-Prince, Hayti, where she arrived after the middle of January, 1861. Pelletier, being unwell, took lodgings at a hotel. His consignees sold to the Government two kegs of powder, all he had, and that part of the cargo which consisted of tobacco. Pelletier also sold to Figaro, a hotel-keeper, eight out of twelve revolvers on

board the vessel. The lumber was sold to the son-in-law of President Geffrard. One night, when enough of it had been delivered to give access from the hold to the bulkhead which separated the storeroom, unruly members of the crew broke into the latter, stole liquor, became intoxicated, and threatened the lives of the mate and the custom-house officers on board. The latter, with Binar, the passenger, fled from the ship for safety. The mate shut himself up in his stateroom. In the morning the mate escaped, went on shore, and gave Pelletier information of the disorderly proceedings on board. Mr. Pelletier sought Mr. Lewis, the United States commercial agent, who applied to the authorities, and five of the sailors known to have been active in the stealing and mutiny were lodged in prison. In the evening Binar applied to Pelletier for money to pay his passage to the Spanish Main. This Pelletier refused to do for reasons assigned. The next morning Binar addressed a letter to Pelletier, stating that as he had ordered him off his vessel he must provide for his maintenance, and demanded $100, which, if refused, he threatened should cost Pelletier a larger sum. Pelletier presented the letter to Mr. Lewis and to two eminent lawyers, who advised him to pay no attention to it. Pelletier learned that on the same day Binar denounced him to the authorities as a slaver and as making false reports as to his cargo, arms, and ammunition, almost all of which latter had been sold to the Government itself. In the evening of that day a large force of armed men went on board the bark and broke open boxes and closets. They were under the command of Carrie, the military governor of the place, and were accompanied by J. J. Lilavois, the captain of the port, and the commander of police and a force of about thirty armed men. They found three hunting-guns, half a pound of powder, some cartridges of small shot for bird hunting, and eight pairs of handcuffs, which had been provided to enforce discipline among the crew. They, however, left the vessel without taking the articles with them. Carrie, with his posse, however, having returned to the vessel the same night, the mate with those of

the crew on board, went ashore to inform Pelletier, who at once entered his protest before Mr. Lewis. (See deposition of Mr. Lewis, Ex. Doc., letter of Collar & Brown to President Lincoln, Ex. Doc. 260, p. 91.) In the morning Mr. Lewis addressed a letter to the minister of foreign affairs on the subject, stating that Pelletier had been obliged to abandon the vessel with a large amount of property, money, and bullion on board, and that the Government of Hayti would be held accountable. The minister replied that it was a proceeding of the police, about which he knew nothing. Soon afterwards Mr. Lewis was invited to call upon the president, which he did, taking Pelletier with him. The president said he also was ignorant of the proceedings. He sent for General La Motte, minister of police, who came, and was reprimanded by the president. (See deposition of J. M. Lewis, Ex. Doc. 260, p. 91.) The latter then said to Pelletier that he hoped he would take his vessel back, which he at first declined, but at last, upon the advice of Mr. Lewis, he consented to do. La Motte, however, kept possession of the vessel for four days longer, when he was peremptorily ordered by the president to give her up. A sworn estimate of the damages on the vessel, while in the occupation of the police, was then made, which amounted to $6,000, but President Geffrard offered only $2,000, which Pelletier refused to accept. La Motte then obtained, by bribery of the sailors in prison, affidavits from them against the vessel. (See letter of B. F. Whidden to Secretary Seward, Ex. Doc., pp. 43–44, and depositions of Thibaudeau, Brown and Collar, Ex. Doc., pp. 44–5–6.) Similar bribes were *offered to others of the crew, as is shown by affidavits on file.* The Haytiens represented that Pelletier had a hundred water-casks on board, but he had only eight. The minister of foreign affairs addressed a note to Mr. Lewis, accompanied by the depositions of the sailors in prison, and by that of Binar, and repeated his charges that Pelletier was a slaver, that his papers were not regular, and that he had handcuffs and water-casks on board for a slaver.

Mr. Lewis replied, denying the charges for reasons assigned. Pelletier then brought suit against Binar for libel, but he escaped by flight. (See letter of Mr. Lewis, Ex. Doc., pp. 36–7–8.)

The William cleared for New Orleans the latter part of February, 1861. On getting to sea Pelletier found that she did not steer well for want of ballast. He consequently put into Grand Inagua to procure this. The United States consular agent there advised him to go to Man-of-War Bay for it. While taking it in there a gale obliged him to slip his chains and go to sea, leaving his two best anchors. Having retured to Grand Inagua to restore to their homes laborers whom he had been obliged to take to sea when driven off, the pilot anchored the vessel too near the reef. In trying to get room to run out, the vessel grounded on the reef, and remained there pounding for eighteen hours, when at last she was cleared at a high tide. The false keel was, however, lost, and the fastenings of the rudder were broken. Pelletier then tried to reach a port on the Spanish part of St. Domingo, where he might make necessary repairs. When he arrived off the northern coast of that island he supposed he was near Puerta Plata. He then raised a small French flag as a signal for a pilot, but none having appeared, he entered a port where he was alarmed to find the Haytian flag flying. He consequently determined to feign that his vessel was French, named the Guillaume. After anchoring, a boat came off with the captain of the port, who said that they were at Fort Liberty, Hayti. Pelletier reported his vessel as the French bark Guillaume bound from Havana to Havre, in distress, and added that he wished for a blacksmith to restore the fastenings of his rudder. He then had a note written to General Gourgue, commanding the place, stating that he was aware the port was not open to commerce, and asking leave to employ a blacksmith and to fill four casks with water, which was granted. The next day General Gourgue visited the vessel, and said to Pelletier that if he wished to visit the French consul at Cape Haytien he might have a seat

in a carriage with his son, who was going thither that evening. Pelletier declined the offer, owing to the disabled condition of his vessel. Gourgue then said that he might at least write to the consul. Pelletier then directed his clerk to write to the consul, stating that he would sail the next day, and call on him personally. (See memorial of Pelletier, Ex. Doc. 260, pp. 65 to 85, and depositions of Stubbs, Thomson, and Yates, pp. 85–6–7; also depositions and letter to Mr. Lincoln, by Collar and Brown, Ex. Doc. 260, pp. 2, 3, 4, 5.) The clerk did as ordered. In the night of the third day after the arrival of the William at Fort Liberty, Miranda, a sailor whom Pelletier had shipped at Port-au-Prince, and whom he had flogged at Grand Inagua for misconduct, stole one of his boats and escaped to the shore. There he made a deposition against Pelletier for falsifying his nationality. An attempt was then made to go to sea with the vessel. This, however, was defeated by her grounding on a reef after she had proceeded a short distance. In this position she was seized by the authorities and taken back. He then met Mr. Menau, the French consul at Cape Haytien, who was indignant at his assuming French nationality, and who having turned him over to the Haytian authorities, he was at once lodged in jail. He then applied for protection to Mr. G. E. Hubbard, the commercial agent of the United States at Cape Haytien, who refused it, assuming Pelletier to be a criminal, and even charging him with piracy.

The conduct of this G. Eustis Hubbard toward Pelletier and his companions is of the most reprehensible nature, and it is to be deplored that such *creatures* ever succeed in palming themselves off upon the public service of this or any other country. From the beginning to the ending of his connection with this affair he exhibited the most pronounced bias, coupled with a wicked neglect of his sworn duties as commercial agent of the United States. It is safe to affirm that through his connivance and neglect of duty a great wrong was inflicted upon his countryman; but it is consoling to know that his conduct has been exposed and his assertions flatly contradicted

by a cloud of witnesses. And his declaration that the hoisting of the French flag was an act of piracy, not only exhibits him as a knave, but a fool; however, it appears he had not only the *strongest of financial*, but the *most cogent of family* reasons for being biased in favor of the Haytiens.

The authorities next examined Pelletier and his crew. On the conclusion of his examination, he wrote a protest against the seizure of his vessel, and against the treatment to which he and his crew had been subjected. In the course of several weeks, they were taken to Cape Haytien and imprisoned there. After a week's detention they were taken to Port-au-Prince and imprisoned there. They were first tried by a court-martial, of which General Carrie was president. The examination, however, related solely to occurrences at Fort Liberty. Pelletier made a protest against these proceedings. The examination was resumed about a week afterwards, but they failed to get any testimony against him from any of his crew.

Next in order, the case was referred to a commission of five, composed of judges, senators, and lawyers, of whom Dauphin, president of the court of cassation, was one. The commission decided that, as Pelletier was charged with being a slaver under a foreign flag, he was not amenable to the laws of Hayti, as he had not committed or attempted to commit any offence there against those laws.

Pelletier was, however, still kept in prison, but in August, 1861, he was taken thence to be examined in regard to the Cortez affair. It seems that a person named Caño, a resident of Carthagena, claimed to be the real owner of the property which was intrusted to Cortez, who was his clerk. All the papers relating to Pelletier's transactions with Cortez were seized at Fort Liberty, and were in a package sealed with the seals of General Gourgue and the French vice-consul, Menau. The attorney of Pelletier found the package in the custody of Dubois, the minister of justice, who refused to surrender it. Mr. Lewis, the United States commercial agent, wrote to

the minister for foreign affairs that the package contained papers of vital importance to Pelletier, and demanded that the package should not pass from the hands of the minister of justice, or be opened, unless in Pelletier's presence, or in that of some authorized agent of his. The minister answered that the request would be complied with. It was ascertained next day, however, that the package had been opened, as some of the papers had been seen in the hands of Caño, the accuser of Pelletier. Pelletier was informed that the papers had been sent to the Government attorney, who wanted them to make out his case. (See letter from Mr. Lewis to Mr. Resauce, Ex. Doc., pp. 36, 37, 38.) The trial began the next day. The jury was drawn, but Pelletier, by the advice of his counsel, waived his right to choose six of them, as the jurisdiction of the court was denied by him. The judge held that the plea to the jurisdiction was a good one. Appeal was taken to the court above, which decided in favor of the jurisdiction. Pelletier was ordered to be tried again, and the judges who had decided to release him were sent to jail. Three witnesses, whom Pelletier had named as necessary for his defence—the pilot whom he had taken to Carthagena, Labos, one of the five sailors whom he had caused to be imprisoned, and a boy whom he had left at Port-au-Prince—were seized without any charge and imprisoned, so that Pelletier might not have their testimony on the trial. Pelletier then stated that he should not attempt a defence, and ordered his counsel to withdraw. The judge said that if he did not wish to be defended, he must suffer the consequences. Mr. Laveaux, one of the Pelletier's counsel, was sent to prison for referring to the extraordinary means which had been employed to obtain a conviction, and to the abstraction of papers. Miranda was produced as a witness for the Government, and Mr. Linstant, another of Pelletier's counsel, having sought to show his incompetency from his having been a convict and a galley slave at Toulon, in France, was forbidden by the judge to make any such inquiry, and was threatened with imprisonment if he did so. Thereupon Lin-

stant withdrew. The jury then brought in a verdict convicting Pelletier of piracy, and he was sentenced to death. He was also ordered to pay a fine of $1,000 to Caño and $3,000 to Cortez, and the bark William and all the property on board were confiscated for the benefit of the Government. The judgment was appealed from, and the court above decided that the sentence of death should be changed to five years' imprisonment. Some time afterwards Pelletier was transferred to a prison at Cape Haytien. There he remained until, becoming sick, he was carried to a hospital, where he stayed until he effected his escape, on the 11th of November, 1863.

Mr. Evarts, in one of his despatches to Mr. Langston, U. S. minister, used the following strong language:

"It is manifest that the authorities at Port-au-Prince, in listening and giving credence to the statements of the sailors whom Pelletier had caused to be imprisoned, and of Binar, whose application he had rejected, did not take into due consideration the relations between those witnesses and the master of the William. They had grudges against Pelletier, which undoubtedly they were eager to indulge, and they testified accordingly. It is evident, however, from the examination of the vessel, which was made by the authorities, that there were no such indicia of guilt as afforded even probable cause for proceeding against her or her master. This led to her ultimate release, contrary, however, to the wishes of the chief of police, and others, who appear to have been actuated by a spirit of savage vindictiveness, sharpened perhaps by the prospect of a gratification of their avarice by the condemnation of the property."

The voyages of Pelletier from Mobile to Carthagena, thence towards Rio Hacha to Grand Cayman and Port-au-Prince, were unfortunate, but this result cannot be imputed to a want of prudence, and can only be ascribed to causes beyond human control. The voyage from Port-au-Prince to Grand Inagua was of the same character, as it resulted in the stranding of his vessel on the reef at the latter place, the loss of her false keel, and the disabling of her rudder. These accidents rendered

her condition helpless without repairs. It cannot be believed that after his experience at Port-au-Prince he would, of his own accord, have gone into a Haytien port for such a purpose. He neared Fort Liberty, therefore, supposing that he was entering a port of the Dominican Republic. It is to be regretted that he hoisted the French flag as a signal for a pilot. Undoubtedly, however, it was a mere stratagem to relieve himself from the snare into which he had fallen. The vessel was in distress, a condition which ought to have commanded sympathy and secured relief, even from enemies. The elation of the authorities at Fort Liberty, when the information in regard to Pelletier had been received from the deserter Miranda, and of those at Cape Haytien and Port-au-Prince, at again having him in their power, is not surprising. Their proceedings in regard to him were thenceforward characterized by a savage brutality, as if intent upon revenge for an imaginary offence, rather than by that spirit of justice and impartiality which is expected from the authorities of a foreign country towards a stranger accidentally in their limits. It is apparent that Pelletier is a man of spirit as well as intelligence, and that he was actuated by so intense a consciousness of innocence of the charges against him, that he was led to commit the technical mistake of refusing to avail himself of the privilege of choosing six members of the jury, or, indeed, of defending himself at all, though this course seems to have been pursuant to the advice of his counsel. "In an ordinary case this would be decisive against making the question an international one. This, however, is by no means a case of that character, and the executive or judicial authorities of any government, which should pursue the course in regard to a foreigner taken by those of Hayti in regard to Captain Pelletier, must expect to do so at the peril of a demand for reparation."

The charge of piracy against Pelletier may be said to have been so absurd on its face that it is unaccountable how it could have been made or entertained. Pelletier was charged with robbing Caño of his goods on the high seas. Of Caño's owner-

ship of the merchandise placed on board the William at Carthagena, Pelletier was ignorant until he was accused at Port-au-Prince by Caño with stealing them. All the papers relating to Pelletier's business with Cortez were seized by the authorities at Fort Liberty, and were in possession of those at Port-au-Prince at the time of Pelletier's trial These papers would undoubtedly have fully exculpated Pelletier.

It appears from the minutes of the court at Port-au-Prince, that the jury convicted Pelletier as principal in piracy in fraudlently taking property in open sea and at the Grand Cayman to the injury of Messrs. Caño and Juan Cortez, by force of arms, accompanied by violence, and with threats of assassination, and with attempts at slave-trading, and with piracy on the costs of Hayti. Perhaps the annals of few courts could furnish an example of a more oppressive and baseless conviction.

Pelletier's original plan of voyage was to obtain a cargo of guano at Nevassa for New Orleans, and to this end he had inquired, when at Port-au-Prince, whether laborers for that purpose could there be obtained. They charge him with the intention to kidnap Haytiens, and as his inquiry as to the practicability of obtaining laborers may have in some way become known to the authorities there, the latter may have assumed that the wish to hire the laborers was used as a screen to kidnapping them.

On these subjects Pelletier testified in his deposition of January 22d, 1878, (Ex. 86, 47th Congress, 1st Session, pp. 3–5,) as follows:

"Mr. Dujarden, secretary of legation, in charge of the French legation in the absence of the French minister, and who signed a letter with the foreign ministers and consuls (except Mr. Lewis, American consul) to the secretaries of the Haytien Republic refusing to assist me or in any manner to protect me, was censured by his government for his course in the matter, and the Marquis de Forbin Janson, minister plenipotentiary from France to Hayti, sent said secretary to me on his return from France to say that the government repudiated

his course and had instructed the minister to protect me, and that he would visit me the next day in prison and determine what course would be best to pursue; but to avoid the minister seeing me I was taken out of the prison at Port-au-Prince at 3 o'clock in the morning and marched over land, nearly naked, sick, and feeble, so I could scarcely walk, often falling down, and was taken at Cape Haytien, but afterwards said minister aided me in person to escape from the hospital, and helped secrete me at the French consulate until different arrangements were made, and also went with me in person when I was put on board of the Spanish steamer, giving me money to assist me in my escape. He also stated to me that if I had been a French subject I would soon have been released; he made this statement, being familiar with all the facts of my case. Also Mr. St. John, minister from England to Hayti, was not in the Republic when the letter of the foreign ministers and consuls to the secretaries of Hayti was signed, but on his return to Hayti was my friend, assisted me in many ways, giving me money, aiding me in my escape, and in fact as soon as my case was understood I was assisted and befriended, and assisted by all the foreign ministers and consuls *except the one* person, and that was G. Eustice Hubbard, commercial agent of the United States.

"As to the question of kidnapping persons and selling them into slavery, if we leave out the question of the absurdity of such a charge, the distressed condition of my vessel, the fact of having no provisions or other necessary articles on board for such a purpose, the fact of having on board over $50,000 in gold dust and coin, of which I must run the risk of confiscation, yet, if I had intended any such act, I had taken on board at Grand Inagua for the purpose of breaking ballast from ten to fifteen persons of color, and I was driven to sea by the winds, beating about for ten days endeavoring to get back, being at one time close to the shore of the island of Cuba, but finally succeeded in overcoming the adverse winds, I got back, landed the persons, and paid them for the entire time they were on board, notwithstanding I had been driven away by the winds against my will and the hands had been idle. Surely this does not look as if I designed to capture persons, for I certainly had a good pretense for keeping those I landed, on board, if I had desired to have carried them away; beside, it was on my landing these persons that my pilot put my vessel

too near a reef, and, my cable parting, the vessel was thrown on the reef, where I lost my anchor, rudder, false keel, &c., leaving my vessel unmanageable, and this was the cause of my having to seek a port to repair my vessel, and was driven into Port Liberté.

"The charge of piracy was attempted to be sustained against me by the suppression of my ship's papers and a combination of bribery, perjury, and the strong arm of the Government in imprisoning witnesses who persisted in telling the truth, lawyers who dared to defend me, and judges who ventured to assert the law, unparalleled in the history of any civilized nation.

"The charge was made, not for any act done to a citizen of the Haytien Republic nor within its jurisdiction, but for an act claimed to have been committed within the territory of Great Britain, a nation fully capable of protecting itself; nor did the Haytien officials in any manner notify the authorities of the United States of the commission of the crime, as was due by international comity, if any such crime had been committed.

"The reason of such omission is obvious from the facts shown. You will pardon the importunate manner in which I urge my rights, for it seems to me I am warranted in so doing. These outrages occurred seventeen years ago, and I have endeavored ever since my escape from the clutches of these people, through the interposition of the officials of foreign nations, to obtain redress, but so far unsuccessfully. In the mean time, bankrupt in fortune, caused by the action of the authorities of Hayti, prostrated in the loss of my family and health by the same cause, old age has grown upon me, wherefore I most earnestly represent that it is not only due to me personally that such redress should be demanded, but for the honor of our Government and for the protection of other American citizens."

We shall also show that the executive Government of Hayti defeated justice by direct interference with the judicial prerogative, in the following instances, viz:

The boarding of the bark William at night by armed men without warrant of law.

The trampling upon of the United States flag without provocation.

The bribing of the five imprisoned sailors by the minister of police, and his effort to bribe others to testify in support of the charges of Binar.

The torture of the boy Peter to compel him to testify against Pelletier.

The placing of the clerk Castay in the stocks for refusing to render a false inventory.

The threats against Brown and others, and the double ironing them for refusing to testify as did Miranda.

The ironing and imprisonment of Picault for calling attention to a misreport of his evidence.

The insolence and overbearing conduct of the court and its officials towards every witness offered by the defendant.

The refusal to deliver Pelletier, the vessel and property thereon, to the agent of the United States when so ordered by the commission organized to determine whether he was amenable to the laws of Hayti for the offence charged against him, which had decided adversely to such jurisdiction.

The abstraction and detention of the ship's papers by the minister of justice and the public prosecutor, they well knowing that the said papers contained indubitable proof of the innocence of the accused.

The boarding the William by Carrie in diregard of the protest of Mr. Lewis, dated Aug. 17th, 1861, prior to the trial, carrying therefrom money, bullion, plate, and other valuable property to the amount of $50,000.

The importation of Caño and Cortez from Santa Martha, months after the transaction to which it related, to make a fraudulent protest respecting the property of Cortez.

The enforced withdrawal of M. Delandos from the defence of Capt. Pelletier.

The incarceration of the judges who declared in favor of releasing Capt. Pelletier.

The imprisonment of witnesses, without cause, to prevent their testifying on behalf of the accused.

The imprisonment of the ship's steward for testifying that Pelletier had been guilty of no wrong against Cortez.

The incarceration of Mr. Laveaux, one of Pelletier's counsel, for referring to the extraordinary means resorted to by the Government to bring about a conviction; and the threats against Mr. Linstant, his other attorney, for offering to show the incompetency of Miranda, the penal convict, which compelled the former to withdraw from the court-room.

The retiring of Mr. Lilavois, the prosecutor, with the jury, when they withdrew to consider of their verdict, and on this behalf, to the private communication of the President of Hayti to the presiding judge of the court of Cassation, at the very time the court, under the advice of Germain, Government counsel, were consulting of a favorable decision.

Respecting the barbarous cruelties inflicted upon Captain Pelletier and companions, it will be made to appear both by written and oral testimony:

That immediately upon his arrest at Fort Liberty, he was double-ironed and immured in a dungeon.

That he was pelted with dirt and stones by the soldiers and populace.

That he was crowded into the hold of a small schooner, in irons, with six others, and conveyed from Fort Liberty to Cape Haytien; that at the latter place he was paraded, in irons, through the town, assailed with stones and lacerated with knives, and finally cast into a contracted cell with four other persons.

That from Cape Haytien he was transported to Port-au-Prince, a voyage of eleven days, ironed and confined in the hold of the vessel.

That at this city he was marched three miles about the town, assailed, cut, and bruised by an infuriated mob.

That he was robbed by General Carrie.

That an attempt to assassinate him by poisoning was made.

That he was confined in a dungeon, without air or light, shackled and chained to an iron bar.

That he was taken from the dungeon, by order of General Carrie, tied to a tree, soldiers with muskets paraded before him, aiming their guns at him, for no other purpose, as he now believes, than to inflict unnecessary suffering upon him, as an appeal was then pending.

That he was ill; was refused remedies, air, light—all communication with the outer world.

That he was confined in a dungeon for two months under a privy which was moldy and dripping with filth and infested with vermin, because he complained to the minister of justice of the robberies committed by General Carrie.

That the boy, Louis Legallin, was murdered by being dragged through the streets by the heels until his brains were beaten out on the stones.

That these cruelties continued with little intermission during eighteen months, four months of which time was prior to even any pretended conviction.

That in order to prevent the French Minister executing instructions by his government to do something in Pelletier's behalf, while weak from illness and suffering, he was marched from Port-au-Prince to Cape Haytien, 250 miles across the country, over the mountains, being beaten and mangled during 23 days.

Secretary Evarts, in his despatch No. 50 to Mr. Langston, dated December 23, 1878, (Ex. Doc. 86,) makes use of the following language:

"The whole of the proceedings against Pelletier seems to have been characterized by a malignant spirit of cruelty and oppression disgraceful to all concerned in them. It is hoped that the present Haytien authorities will at once dispassionately review those proceedings. If this should be done, they certainly will not persist in claiming that they do any credit to the justice and fair dealing of their country. This government has no desire to disturb its friendly relations with that of Hayti. There is considerable commerce between the two countries, which is advantageous to both, and which it is hoped and believed may be much increased. Self-respect, however,

will not longer allow us to acquiesce in the course which that Government thought proper to take in regard to Captain Pelletier. It is hoped that it will show a disposition to indemnify him for his losses and sufferings."

Again, in his dispatch to same, No. 112, Ex. Doc. 86, p. 31:

"You will say to that government, as well, that if it desires to make no further answer to the justice of this claim of Mr. Pelletier, you are instructed to propose to it a prompt and impartial arbitration on the matter, and in default of that arrangement, to require its satisfaction."

With a view of presenting a full statement of this claim against the Government of Hayti, the following itemized account is respectfully submitted:

1860–1–2–3, &c.

To value of bark William, cargo, money, and property seized, as per schedule...	$91,800	
Twenty years' interest at 6 per cent. per annum.....	110,160	
		$201,960
Losses by imprisonment, viz:		
Loss of capital invested as partner in the firm of Delanney, Rice & Co.....	$50,000	
Loss of sundry parcels of real estate purchased upon which partial payments had been made amounting to..... ...	49,000	
(But forfeited for non-payment of the final payments.)		
Loss of real estate in West Virginia, consisting of 500,000 acres, in the purchase of which he had paid.....	175,000	
(The title to which was forfeited by reason of imprisonment in Hayti, and for non-payment of final payments.)		
Loss of claim against Overman and Gruner for the value of certain ships sold by them, as his agents, consisting of ships		

in the Australian trade, and worth over	$500,000	
(The suit being dismissed, for want of of prosecution, during the time of imprisonment.)		
		$774,000
Loss of investment in a boot and shoe manufactory in Troy, N. Y	$65,000	
Loss of various other claims and demands, then good, but rendered worthless by lapse of time, amounting to	23,000	
Interest for sixteen years at 6 per cent. per annum	827,520	
Expenses in supplying evidence contained in the ship's books and papers of the bark William, destroyed or withheld, consisting of the employment and expenses of special agents in visiting the ports of Grand Cayman, and other ports in the West Indies	25,000	
Expenses of counsel, printing, &c., in the prosecution of his claim against Hayti.	250,000	
		1,190,520
		$2,166,480

Damages to person in the matter of arrest and captivity, consisting in sufferings, mental and physical, false and malicious charges of piracy, of being a slaver, the condemnation to death as such, the attempted poisoning, the terrible and inhuman tortures and sufferings to which he was subjected, in chains, for nearly three years, in filthy and noisome dungeons, the stonings and beatings, mobbing and starvation, inflicted in contempt of all usage of civilization and in outrage of all humanity, to such a degree as to permanently impair his health and undermine a constitution that in ordinary persons would have succumbed. And finally, chief of all, the loss of a dear wife and two chil-

dren; the wife, believing the reports published in the newspapers at the instance of the Government of Hayti, that A. Pelletier had been convicted of piracy and selling persons captured by him into slavery, and suffered the penalties of the law therefor; remarried, and left the United States, taking with her the two children; by which means he was bereft of wife, children, home, fortune, and health.....	$300,000
	$2,466,480

At first observation these figures appear startling, but no one will consider them more startling than are the undisputed facts of this remarkable case. Nor are the direct, punitive, and exemplary damages claimed at all outside the sphere of reason or justice when compared, if comparison could be made, with all the terrors surrounding Pelletier during his several trials, condemnations, imprisonments, mental and bodily sufferings, and finally, on returning to his adopted country, culminating in the irreparable disaster of the loss of family, home, fortune, and health.

It is, therefore, not surprising that President Geffrard, in the interview of Father Pitholot, the priest, with him, stated that "he must sacrifice him to the interests of the state, and he, Geffrard, would be the worst enemy of his own country if he should consent to his, said Pelletier's, release."

A. H. JACKSON,
Attorney of Record.

S. F. PHILLIPS,
Sol.-Gen'l of the United States.

The Commission then adjourned until Wednesday, November 19th, 1884, at 9 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *November* 19, 1884.

Pursuant to adjournment, the Commission met this morning at 9 o'clock.

Present:

Hon. WM. STRONG, the Arbitrator:

Messrs. JACKSON, MERRIMAN, and CASON, counsel for the claimant; and the Marquis DE CHAMBRUN, and Hon GEO. S. BOUTWELL, Counsel on behalf of the Republic of Hayti.

Mr. MERRIMAN stated that Mr. Pelletier was naturalized on the 6th of October, 1852, but in certifying the record of his naturalization to the State Department, the clerk wrote 1862 instead of 1852; for that reason Mr. Seward, who was then Secretary of State, declined to act in the case, thinking that the claimant was not a citizen of the United States at the time of the acts complained of. Afterwards another certified copy of the letters of naturalization was received and the correction was made, and Mr. Evarts wrote a letter on that subject, which will be found among the papers to be put in evidence before your Honor.

Mr. MERRIMAN then made an oral statement of the claimant's case, and offered the following papers in evidence.

EVIDENCE FOR CLAIMANT.

First. A protest found in Executive Document No. 260, 40th Congress, second session, pages 127 to 129, and dated at Grand Cayman, December 20, 1860, and signed by Antonio Pelletier, master; Samuel B. Gerdon, chief mate; Charles Tiscomer, carpenter; William Smith, seaman; James Anderson, seaman; William Eden, jr., deputy consular agent of the United States.

Second. Deposition of William Eden, jr., found on pages 61 to 63 of Executive Document No. 260, dated Kingston, Jamaica, November 30th, 1863, and signed William Eden, jr., together with a certificate of F. H. Ruggles, United States consul, following said affidavit.

The Counsel for the Republic of Hayti objected to the paper on the ground that there was no opportunity for cross-examination.

Third. Affidavit dated Kingston, Jamaica, November 30th, 1863, signed by John Jannett, William Robert Bodden, Robert Thompson, ship-master; James B. Coe, ship master; found on page 60 of Executive Document 260, together with certificate of F. H. Ruggles, United States consul, following the said affidavit.

Fourth. The affidavit of John Bernard, J. P., dated Kingston, Jamaica, November 30, 1863, and found on page 61 of Executive Document No. 260, together with the certificate of F. H. Ruggles, United States consul, following said affidavit.

Fifth. Certificate of William E. Eden, sr., United States cousular agent, and the evidence of J. R. Watler, Thomas S. Watler, sr., William N. Thompson, J. P., Domingo Mantinez, and William Eden, Jr., found on pages 125 to 127 Executive Document No. 260.

Sixth. Memorial of Thomas Collar, chief mate, and John Henry Brown, seaman, to the President of the United States, found on pages 2 to 5, Executive Document No. 260.

The ARBITRATOR. I wish to state right here that although in the light of technical rules these papers are not evidence, still I will receive them and all the rest of the papers which are introduced in the case, and carefully read and attach such weight to them as to me may seem proper.

Seventh. The protest of Antonio Pelletier, master of the bark William, found on pages 22 to 25 of Executive Document No. 260.

Eighth. Declaration of Antonio Pelletier, Thomas Collar, and John Henry Brown, found on pages 25 to 27 of Executive Document No. 260.

Mr. DE CHAMBRUN, the counsel for the Republic of Hayti, stated that he wished to reserve all objections to the papers which have been introduced.

The ARBITRATOR replied that all papers submitted would be subject to objections, although the objection might not be made at the time the papers were submitted.

Mr. JACKSON, the counsel for the claimant, stated that the points upon which he wished to rely were contained in his printed statement, except as to the matter of damages.

Mr. BOUTWELL then filed the following objections:

In the matter of the claim of Antonio Pelletier.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

Before the Honorable WILLIAM STRONG, Arbitrator.

And now comes the Counsel for the Republic of Hayti and moves for the dismissal of so much of the claim presented in behalf of said Pelletier as relates to the bark "William," inasmuch as it appears from the statement of the case, as presented by the counsel for said Pelletier, that the said bark was

not the property of the said Pelletier, but was the property of one E. Delaunay, of New Orleans.

GEORGE S. BOUTWELL,
of Counsel for the Republic of Hayti.

In the matter of the claim of Antonio Pelletier.

THE UNITED STATES.
vs.
THE REPUBLIC OF HAYTI.

Before the Honorable WILLIAM STRONG, arbitrator.

And now comes the Counsel for the Republic of Hayti, and demur to so much of the claim, as presented by said Pelletier, as is contained in items 3 to 9, inclusive, as set forth in the statement of the counsel of the said Pelletier at pages 22 and 23, and for the reason that the allowance of said items would be contrary to the rules of international law existing at the time of the transaction complained of, and, therefore, not within the jurisdiction of the honorable arbitrator, as the same is defined in the Protocol.

GEORGE S. BOUTWELL,
of Counsel for the Republic of Hayti.

The ARBITRATOR overruled the objection based upon the allegation that the vessel "William" was not the property of the claimant. The other objection was reserved for future consideration.

Ninth. Counsel for the claimant then offered in evidence the naturalization papers of the claimant, which are contained in the volume marked "Miscellaneous Letters, July, part 2, 1878," and which is as follows:

UNITED STATES OF AMERICA, }
State of New York. }

The people of the State of New York, by the grace of God free and independent, to all to whom these presents shall come, greeting:

Know ye, that we, having examined the records and files of our court of common pleas for the city and county of New York, do find there remaining of record a certain record of naturalization, in the words and figures following, to wit:

[SEAL.]

Court of common pleas, for the city and county of New York.

In the matter of the application of Antonio Pelletier to be admitted a citizen of the United States of America.

STATE OF NEW YORK, }
City and County of New York, } *ss:*

Antonio Pelletier, the above-named applicant, being duly sworn, says that he resides at Bronxville, West Chester co., or 61 Canal street; that he has arrived at the age of twenty-one years; that he has resided in the United States three years next preceding his arrival at that age, and has continued to reside therein to the present time; that he has resided five years within the United States, including the three years of his minority, and one year, at least, immediately preceding this application, within the State of New York; and that for three years next preceding this application it has been *bona fide* his intention to become a citizen of the United States.

ANTONIO PELLETIER.

Sworn in open court this 6th day of October, 1852.

GEORGE W. RIBLET,
Clerk.

STATE OF NEW YORK, }
City and County of New York, } *ss:*

John B. Sardy, being duly sworn, says that he resides at

No. 32 Pineapple street, in the city of Brooklyn, and that he is well acquainted with the above-named applicant, and that the said applicant has resided in the United States for three years next preceding his arrival at the age of twenty-one years; that he has continued to reside therein to the present time; that he has resided five years within the United States, including the three years of his minority, and in the State of New York one year, at least, immediately preceding this application; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and deponent verily believes that for three years next preceding this application it has been *bona fide* the intention of the said applicant to become a citizen of the United States.

JOHN B. SARDY.

Sworn in open court this 6th day of October, 1852.

GEORGE W. RIBLET,
Clerk.

STATE OF NEW YORK,
City and County of New York, } *ss:*

I, ——, the above-named applicant, do declare on oath that it is *bona fide* my intention, and has been for three years next preceding this application, to become a citizen of the United States, and to renounce forever all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, particularly to the Government of France, of whom I am now a subject.

ANTONIO PELLETIER.

Sworn in open court this 6th day of October, 1852.

GEORGE W. RIBLET,
Clerk.

STATE OF NEW YORK,
City and County of New York, } ss:

I, ——, the above-named applicant, do solemnly swear that I will support the Constitution of the United States, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to the Government of France, of whom I was before a subject.

ANTONIO PELLETIER.

Sworn in open court this 6th day of October, 1852.

GEORGE W. RIBLET,
Clerk.

[Endorsement.]

At a special term of the court of common pleas for the city and county of New York, held in the court-house of the city of New York, on the sixth day of October, 1852.

Present: Hon. Chas. P. Daly, judge.

In the matter Antonio Pelletier of the application of the within-named applicant to be admitted a citizen of the United States of America.

The said applicant appearing personally in court, producing the evidence required by the acts of Congress, and having made such declaration and renunciation, and having taken such oaths as are by the said acts required,

It is ord-red by the said court that the said applicant be admitted to be a citizen of the United States of America.

(Extract from minutes.)

NATH'L JARVIS,
Clerk.

After examining the papers the ARBITRATOR stated that they were all right, except that they were not sealed with the seal of the court.

Tenth. The Counsel for the claimant then offered in

evidence Exec. Document No 260, 40th Congress, 2d Session, which, with the exception of certain abstracts omitted by agreement of Counsel, is as follows:

1 40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. {Ex. Doc. No. 260.

ANTONIO PELLETIER.

Message from the President of the United States, transmitting information relative to the imprisonment and destruction of the property of Antonio Pelletier by the people and authorities of Hayti.

APRIL 21, 1868.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

I transmit a report from the Secretary of State, and the papers accompanying it, in answer to a resolution of the House of Representatives of the 10th of February last, requesting information relative to the imprisonment and destruction of the property of Antonio Pelletier by the people and authorities of Hayti.

ANDREW JOHNSON.

WASHINGTON, *April* 3, 1868.

DEPARTMENT OF STATE,
WASHINGTON, *April* 3, 1868.

The Secretary of State has the honor to lay before the President the enclosed papers, called for by the House of Representatives in its resolution of the 10th of February, ultimo, in the following words:

Resolved, That the Secretary of State be, and he is directed hereby, if not inconsistent with the public interest, to furnish

this house with copies of the correspondence, official records, and all other papers and documents on file in his department relating to the imprisonment of Antonio Pelletier, a citizen of the United States, and the confiscation and destruction of his property by the people and officials of the republic of Hayti.

Respectfully submitted.

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers accompanying the report of the Secretary of State to the President, of April 3, 1868.

Mr. Seward to Mr. Whidden, August 7, 1862, (with one enclosure.)

Mr. Whidden to Mr. Seward, November 20, 1862.

Same to same, December 25, 1862.

Same to same, February 6, 1863, (with six enclosures.)

2 Mr. Seward to Mr. Whidden, April 6, 1863, (with 10 enclosures.)

Mr. Roumain to Mr. Seward, July 28, 1863, (with 12 enclosures.)

Mr. F. W. Seward to Mr. Roumain, August 19, 1863.

Mr. Whidden to Mr. Seward, November 6, 1863, (with enclosures.)

Mr. Seward to Mr. Whidden, November 30, 1863.

Mr. Whidden to Mr. Seward, May 7, 1864, (with two enclosures.)

Same to same, May 7, 1864, (with four enclosures.)

Same to same, May 31, 1864, (with three enclosures.)

Mr. Seward to Mr. Whidden, June 9, 1864.

Mr. Pelletier to Mr. Seward, July 16, 1864, (with 13 enclosures.)

Same to same, July 30, 1864, (with two enclosures.)

Same to same, October 11, 1864, (with two enclosures.)

Same to Mr. F. W. Seward, November 7, 1864.

Same to Mr. Seward, November 15, 1864, (with two enclosures.)

Mr. Whidden to Mr. Seward, November 22, 1864, (with two enclosures.)

Mr. Pelletier to Mr. Seward, January 21, 1865, (with three enclosures.)

Same to same, March 11, 1865, (with one enclosure.)

Same to same, August 22, 1865, (with three enclosures.)

Mr. Benedict to Mr. Seward, February 15, 1867.

Mr. Seward to Mr. Whidden.

No. 3.] DEPARTMENT OF STATE,
WASHINGTON, *August* 7, 1862.

SIR: I enclose herewith the memorial of Thomas Collar, chief mate, and John Henry Brown, seaman of the American bark William, addressed to the President of the United States, from the prison of Port-au-Prince, on the 25th of June last, representing that they have been unjustifiably and arbitrarily condemned and imprisoned by the authorities of Hayti.

On your arrival at Port-au-Prince you will inquire into and investigate this matter and give to the parties concerned such protection and relief as the circumstances may warrant.

I am, sir, your obedient servant,
WILLIAM H. SEWARD.

BENJAMIN F. WHIDDEN, Esq., &c., &c., &c.,
Lancaster, N. H.

PRISON OF PORT-AU-PRINCE, *June* 25, 1862.

HONORED SIR: I take the liberty of writing you this letter to inform you of our imprisonment in this city, and how we were captured on the coast of Hayti on board of the American bark William, on the 5th day of April, 1861, after leaving the United States revenue cutter John Appleton, of which vessel I was boatswain for the term of three years under the command of Lieutenant William B. Randolph, which vessel was stationed at Key West, Florida, at which place I joined the American bark William, on the 28th day of August, 1860, as

chief mate of said bark William. From Key West the said bark cleared for Mobile for a cargo of pitch-pine lumber, at which port we arrived on the 8th day of September, 1860. The said bark cleared from Mobile on the 27th day of October, 1860, for the port of Carthagena, New Granada, at which port we arrived on the 18th day of November, 1860, where the captain could only dispose of part of the cargo at that place. On the 23d day of November we received one passenger and his family on board, and also a part of a cargo of merchandise, consist-
3 ing of 112 boxes of soap, 180 bags of corn, 44 bales of tobacco, and 36 dozen of matting for Rio Hatche, for which place we cleared on the 25th day of November, 1860. After leaving the port of Carthagena we experienced very heavy northeast gales, and a strong current against us, and the ship laboring very heavily, we did not gain 10 miles to windward in four days, blowing heavily all the time from the northeast, which sprung the fore and mainmast heads and maintopmast, and the loss of the starboard anchor, on the 29th day of November. The passenger, Juan Cortes, came to Captain Pelletier and told him he would pay the said Captain Pelletier the sum of $500 if he would bear up for the first port he could make, on account of his wife being very sick, for which the captain agreed to do. The captain, therefore, bore up for the island of Grand Cayman, West Indies, which was the only island we could make, where we arrived on the 14th day of December, 1860. On the 15th the passenger Cortes went on shore with the captain to Mr. William Eaden, who is the United States consul of the port of Georgetown, of that island, and before him everything was satisfactory to both parties. We laid there several days refitting and repairing damages, and took in a supply of water, provisions, &c. On the 24th day of December, 1860, we cleared from the port of Georgetown for Port-au-Prince, at which place we arrived on the 26th day of January, 1861, at which place the captain disposed of the remaining part of his cargo. While we were

discharging the cargo here the crew broke into the storeroom and stole a large quantity of liquor and got beastly intoxicated, for which offence the captain had them put in prison, and by the advice of Mr. N. J. Lewis, who was the commercial agent of the United States for this port, the captain left the crew here in prison, and when the ship was ready to sail the captain shipped another crew who were French, eight in number, who were neither soldiers nor sailors; we only had one good sailor on board, whose name is John Henry Brown, a naturalized American. The captain cleared his vessel from this port for the port of New Orleans in the month of February, 1861, with part of a cargo of logwood, and after we had got to sea we found the ship had not ballast enough, and the captain thought it advisable to put into a port to procure more ballast, as the ship was very crank. He therefore put into the island of Great Inagua, on the Bahama shore. At we were lying there it came on to blow a heavy gale from the northward, and as we were getting under way the ship's head canted the wrong way and the vessel went ashore, where we laid eighteen hours pounding heavily upon a very rocky bottom, expecting every moment the vessel would go to pieces. The damage we sustained was the loss of four anchors, the false keel, and carried away the two lower pindals of the rudder.

On the 17th day of March, 1861, we left the island of Great Inagua, after securing the rudder with tackles, to proceed on our voyage to New Orleans; we still encountered heavy northeast gales. The captain thought it advisable to put into a port again, as the ship was in distress, to re-hang the rudder, as it was not safe for the ship to proceed on her voyage, as the rudder was only hanging by one pintle. On the 30th day of March, 1861, we put into a port called Fort Liberté, on the coast of Hayti, which is not a port of entry, for the purpose of repairing damages and to get the ship fit for sea. On the morning of the 4th day of April, 1861, between the hours of one and two o'clock, the second mate deserted and went on shore to the authorities of that place, and made false reports

against the captain and crew of the American bark William, and on the morning of the 5th day of April, 1861, the authorities came on board with 500 armed men and captured the bark William, captain and crew, by force, and landed us in their town jail, and there we remained till the 5th day of May. On the 6th day of May, 1861, we were sent to Cape Hayti, heavily ironed, and there we were cast into prison, where we remained till the 21st day of June; from thence we were brought to Port-au-Prince, at which place we arrived on the 28th day of June, 1861, with heavy irons on our legs, and when we were landed
4 at this port we were made to walk about ten miles with the irons on our legs where we could only take two inches at a step, and the blood running down to our heels until we reached the prison. Only the Americans were made to perform this duty, three in number, and the French part of the crew, eight in number, were clear of this shameful conduct, and we do not think there is another nation in the world that would treat human beings the way that we poor fellows have been treated by these people here. At that time Mr. N. J. Lewis, the commercial agent of the United States, demanded of this government to deliver the three Americans over to him, and he also protested against judging us in this country, but to no purpose. The authorities of this govern ment told Mr. N. J. Lewis they would do as they pleased with us, contrary to the laws of the United States.

When the passenger, Juan Cortes, heard of our arrest he came from Carthagena and made declaration against the captain for piracy; and he furthermore said that Captain Antonio Pelletier tried to assassinate him and rob him of his merchandise, which is the greatest falsehood that ever a man told, for there was no crime committed on board of the bark William, whatever, during the voyage.

In the month of August, 1861, we were judged for the crime we were accused of, and on the 29th day of August we were condemned, four in number. Captain Antonio Pelletier, condemned to death; Thomas Collar, chief mate; Urbain

Castay, supercargo, who is a Frenchman; and John Henry Brown, seaman, for the term of five years in heavy chains and hard labor; when they had not the least proof against us to condemn us to this punishment, and the French part of the crew, eight in number, were acquitted, and if that is justice we certainly do not know what justice is.

When the commissary of government was pleading for the government of Hayti, he said that the United States government would not interfere—she was too busy with her own civil war at home—and we will condemn the Americans to get rid of paying damages, and they would not allow us to defend ourselves; nor would they allow our lawyers to defend us, and threatened to put them in prison if they offered to defend us; and they even stole the ship's papers to prove that we were guilty; and we can assure you, sir, that we are innocent of any crime that has been alleged against us.

Since our condemnation they have broken the captain's judgment from death to be re-judged again to condemn him, to the term of five years, for which purpose they sent him to Cape Hayti on the 1st day of June, 1862.

The President of this republic liberated Urbain Castay, he being French, ever since December 18, 1861; yet he holds on to the Americans. Honored sir, since our condemnation Captain Pelletier wrote to Mr. William Eaden, the United States consul of the island of Grand Cayman, for the double of those papers between the affair of Captain Pelletier and the passenger Cortes to prove our innocence, which papers arrived here in February, 1862.

Our lawyer, Mr. Lindstant Pradine, took the second set of papers to the President of this republic, and told him we were innocent of the crime for which we are accused of. "Oh," says the President, "I know they are innocent, but it would be one of the greatest misfortunes to the republic of Hayti if I were to liberate Captain Pelletier and his two men; they would return to the United States and reclaim heavy damages against the government of Hayti, and get this country into trouble with the United States government." The government

of this republic sold the bark William in the month of March, 1862, for $350, Spanish, when the bark William proceeded to Boston in the latter part of April, 1862, to go under repairs.

When Mr. N. J. Lewis was here as the commercial agent for the United States he protested against the sale of said bark William. We therefore, sir, acquaint you that the said bark William and owners owes Thomas Collar, chief mate, and John Henry Brown, seaman, $1,344 for labor performed on board of said bark William.

Honored sir, we must acquaint you of the conduct of Mr. Seth Webb, the commercial agent of the United States, who came here to take the place of Mr. N. J. Lewis in September, 1861. We wrote him several letters acquainting him of our situation here, and that gentleman, Mr. Webb, has not taken the trouble to answer us one line, nor either assist us in anything whatever, nor either to protect citizens of the United States, and we think he has been bought by this government not to do anything for us, and we are here almost starved. Honored sir, we hope and pray to God you will be so kind as to do us the favor by demanding our liberty from this government; we will be under the greatest obligations to you for your kindness, for we can assure you we are very miserable here away from home in a foreign country, without friends, without clothes, and without money, and have not any means whatever to get anything with that we need.

Honored sir, we hope and entreat of you that you will take notice of this and the sufferings we poor fellows have undergone. Honored sir, we have our families in the city of New York, which we presume are starving from the want of support from their husbands, who have no other means of getting their livelihood only by the hard labor of their husbands to support their wives and families.

We are, honored sir, your obedient servants,

THOMAS COLLAR, *Chief Mate.*
JOHN HENRY BROWN, *Seaman.*

To the Honorable Mr. LINCOLN,
President of the United States of America.

Mr. Whidden to Mr. Seward.

No. 7.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *November* 20, 1862.

SIR: Agreeably to instructions in the despatch from your department, No. 3, I have investigated the case of Thomas Collar and John Henry Brown, as far as it has become necessary to this time. I called the attention of the secretary of foreign relations to these men some time ago, and was informed that the matter should receive immediate attention. In a few days after I received a note that they were pardoned by his excellency the President of Hayti, and set at liberty. The day following the note, Collar and Brown came to me in great destitution and want. Being instructed in the despatch aforesaid to give the men "protection and relief as the circumstances may warrant," I furnished them money to pay for some suitable clothing, their board and necessaries here since liberated from prison, and for a passage to New York in a sailing vessel, for which I herein enclose vouchers, and have drawn an order for the sum paid, it being $39.50, payable to the order of myself. Representations having been made to me by Captain Pelletier, of the same vessel as the above men, of his suffering from cruel treatment in prison at Cape Haytien, I have asked of this government that he be transferred from the prison at Cape Haytien to the prison at Port-au-Prince, so that I may have an opportunity to investigate his case; it has been granted, but he has not yet arrived, as communication with that city is by sea, and slow.

I have the honor to be, sir, your most obedient servant,

B. F. WHIDDEN.

HON. W. H. SEWARD,
Secretary of State, Washington, D. C.

No. 11.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *December* 25, 1862.

SIR: Agreeably to my request, * * * Captain Pelletier, of the bark William, was removed from the prison at Cape Haytien to the prison at Port-au-Prince, and soon after conducted to this legation for a personal interview. In addition to this I have examined the papers and proceedings in his case, as they appear in the United States consulate in this city.

The bark William sailed from Mobile to Carthagena. She there disposed of a portion of cargo, and took on board other cargo. She then sailed to the island of Grand Cayman, having put in there to land two passengers, (a man and his wife,) on account of the sickness of the woman. Some of the cargo was disposed of at Cayman, where the vessel sailed for, and soon afterwards landed at this port. It appears the captain came here to dispose of his lumber, of which a large part of his cargo consisted. While here a number of his crew committed some larcenies on board his vessel, for which they were imprisoned for a time. During this time the captain had some trouble had some trouble with the authorities here. The men were at length released from prison, and some of them taken back to the vessel to join the crew again. Soon after the vessel cleared from here, but near Fort Liberté, on the coast of Hayti, was overtaken by a storm, where she put in in distress. At this place one of the crew deserted, (being one of those imprisoned as aforesaid at Port-au-Prince,) and reported to the authorities at that place that Captain Pelletier had landed for the purpose of seizing and carrying away men into slavery. Immediately a large number of soldiers came on board the vessel, seized Captain Pelletier and the remainder of his crew, put them in irons, and lodged them in prison. The authorities of the place seized the vessel, cargo, and all the vessel's papers, together with the private property of the captain and crew. The captain and crew were sent to Port-au-Prince, and

arraigned on the foregoing complaint. The William was also sent to this city and sold at auction, as also all the property on board. Captain Pelletier, Thomas Collar, John H. Brown, and one or two of the others of the crew were tried. The captain was condemned to death, Collar and Brown to imprisonment, and the rest discharged. At the trial Pelletier employed counsel. Through his counsel he demanded the right to introduce evidence of his innocence, but was denied. He placed a witness on the stand, but he was not heard. He demanded the ship's register and other papers on board, (all of which were in the hands of the attorney for the government,) by which he said he could show the legitimacy of his voyage and his innocency, but was denied them.

The court of cassation set aside the aforesaid judgment, as there was no law of Hayti by which that sentence could be pronounced in such a case, but without any further trial he was sentenced to five years' imprisonment.

Mr. Lewis, then consul at this port, entered a protest against all these proceedings, and claimed that this government had no authority to detain these men or the vessel, but that they should be delivered over to him for the United States government. Mr. Lewis was soon superseded by Mr. Webb, and here ends the proceeding on the part of the United States representatives here, Mr. Webb remaining silent, so far as I can ascertain, to the end of life.

I have thus as briefly as possible laid this case before your department, that you may give such instructions in regard to it as you may deem proper. It is a matter that took place a long time before my arrival, but from the evidence laid before me in regard to it, I cannot see anything to justify this government in their extraordinary course towards these men and this vessel.

It seems to have been a proceeding by the government for political purposes, rather than under any law. Nothing was made out to be on board the vessel which indicated the intention they claimed. The papers of the

7

vessel being in the hands of government, were not only suppressed, but three (I think that is the number) of the crew at Grand Cayman, who came to Port-au-Prince and stopped, were imprisoned and prevented from being witnesses for the captain.

Captain Pelletier is a citizen of the United States, and his vessel was owned in the United States. When sold it was purchased by a citizen of Hayti at a price very much less than its value—a trifle. The name of the vessel has been changed to General La Mane, and sails from this city to New York, and sometimes to Bangor.

The men have been very cruelly treated in the early part of their imprisonment.

I report this case to your department as I find it, and await your instructions.

I have the honor to be, sir, your most obedient servant,

B. F. WHIDDEN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—Since writing the foregoing, I am informed that while the William was lying in harbor at Port-au-Prince, a posse of the police went on board said vessel to overhaul the cargo, and in doing so trampled upon the American flag. By direction of the authorities, this posse of police were directed to desist from the work, upon the protest of Mr. Lewis. This was done in the night-time, and in a most wanton manner, as I am informed by those who witnessed said posse.

Mr. Whidden to Mr. Seward.

No. 18.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *February* 6, 1863.

SIR: Agreeably to printed instructions from your department, I send herein enclosed copies of the correspondence from this legation to the government of Hayti, as per paper marked

A, numbered from one to eleven inclusive, and also copies of the correspondence from the Haytien government to this legation, as per paper marked B, numbered from one to fifteen inclusive. Notes of conversations are all reported in my former despatches. The department will observe, from these copies, from my former despatches, and from former despatches from your department to me, that I have been some time waiting further instructions. I would suggest the importance of early answers in those cases, as delays are prejudicial.

I have the honor to be, sir, your most obedient servant,

B. F. WHIDDEN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 2.

Mr. Whidden to Mr. Dupuy.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *November* 13, 1862.

SIR: In accordance with your direction I have received a note from the commandant of this arrondissement respecting the American citizens Thomas Collar and John Henry Brown. By it I am informed that they have just been pardoned by his excellency the President of Hayti, and set at liberty.

8 I am informed that Captain Antonio Pelletier, an American citizen, and captain of the American bark William, is now imprisoned by order of the government of Hayti at Cape Haytien.

In order that I may see and communicate with him at a suitable and convenient place, I have to ask of this government to facilitate to me the means of doing the same at an early day.

I have the honor to be, sir, with the highest consideration, your obedient servant,

B. F. WHIDDEN.

General A. DUPUY,
Secretary of State for Foreign Relations.

No. 3.

Mr. Whidden to Mr. Dupuy.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *November* 21, 1862.

SIR: Your letter of the 19th is received, and in answer I would say: In order that I may see Captain Antonio Pelletier in person, his transfer from the prison at Cape Haytien to the prison at Port-au-Prince is the only feasible way that is within my knowledge.

Please accept, sir, the assurances of my high consideration.

B. F. WHIDDEN.

General A. DUPUY,
Secretary of State for Foreign Relations, &c., &c., &c.

No. 5.

Mr. Whidden to Mr. Dupuy.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *December* 17, 1862.

SIR: I learn that Captain Pelletier, of the bark William, has arrived at Port-au-Prince. I would like to have an interview with him, and you will do me a favor in sending him to my residence under such a guard as may be proper in his case. I would name 9 o'clock to-morrow morning as the time.

Accept, sir, the assurances of my high consideration.

B. F. WHIDDEN.

General A. DUPUY,
Secretary of Foreign Relations, &c., &c., &c.

No. 7.

Mr. Whidden to Mr. Dupuy.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *December* 25, 1862.

SIR: Your note of the 18th of December, announcing that

Captain Pelletier would be conducted before me for an interview, according to my request, has been received, and I have accordingly seen him.

9 His arrest, imprisonment, and treatment, together with all the circumstances attendant upon the same, have been communicated to the government of the United States.

I have the honor to be, sir, with the highest consideration, your obedient servant,

B. F. WHIDDEN.

General A. DUPUY,

Secretary of State for Foreign Relations, &c., &c., &c.

No. 9.

Mr. Whidden to Mr. Dupuy.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *January* 5, 1863.

SIR: It becomes necessary for me to see Captain Pelletier, of the bark William, in regard to certain papers of his which were taken from him on board the said bark.

You will do me a favor by sending him to this legation tomorrow morning at 9 o'clock. It will not be necessary to send such a retinue with him as came before. He will not run away.

I have the honor to be, sir, your obedient servant,

B. F. WHIDDEN.

General A. DUPUY,

Secretary of State for Foreign Relations, &c., &c., &c.

No. 11.

Mr. Whidden to Mr. Dupuy.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *January* 23, 1863.

SIR: I called your attention, some time since, in an inter-

view for that purpose, to the condition of Captain Pelletier, who is in prison in this city. I am informed there has been no change made in his case. He is suffering from disease contracted in prison, and subjected to cruelties in personal treatment.

As soon as this state of things comes to your knowledge I am satisfied you will cause it to be corrected.

I ask that an investigation be made immediately into his condition, which I know you will cheerfully cause to be done, and that such corrections be made as humanity requires.

* * * * * * *

Accept, sir, the assurances of my high consideration.

B. F. WHIDDEN.

General DUPUY,

Secretary of State, &c., &c., &c.

---

10 *Mr. Seward to Mr. Whidden.*

No. 18.] DEPARTMENT OF STATE,
WASHINGTON, *April* 6, 1863.

SIR: I have given the subject of your despatch, No. 11, my consideration. From your statement, it appears that (in 1861) the American bark William, Captain Pelletier, an American citizen, sailed from Mobile to Carthagena on a legitimate voyage, and with regular papers. There she discharged a part of her cargo, and shipped more. At Grand Cayman she landed a sick passenger, with her husband, and incidentally disposed of a portion of her cargo, sailing thence for Port-au-Prince, her proper destination. At that port she discharged the residue of her cargo, but before sailing some of her crew were imprisoned for larcenies on board the bark, and in the course of proceedings the captain became involved with the authorities. Finally, the vessel having received her crew, sailed again, but when near Fort Liberté she put in there in distress, when one of the crew who had been imprisoned deserted, and informed the authorities that Captain Pelletier had landed for

the purpose of carrying away men into slavery. He was thereupon arrested, with his crew, ironed, and cast into prison. He was tried, and condemned to death, two of his crew to imprisonment, the remainder were discharged, and the vessel, with all the property on board, general and personal, was sold at auction.

You state that at the trial Captain Pelletier demanded through his counsel leave to introduce evidence of his innocence, which was denied him. His call for the bark's register and other papers, all in the hands of the government, which would, as he claims, have established his innocence, was disregarded, and finally, the court of cassation set aside the sentence of death, and commuted it to five years' imprisonment, which punishment he is now suffering.

You seem to have devoted yourself with praiseworthy zeal to a full investigation of this case, and I would accept your unqualified conclusions of the injustice and irregularity of the proceedings in the matter as warranted by the facts, if I were satisfied that you were possessed of all the information upon the subject which has been laid before this department.

I think it proper, therefore, before instructing you to make any official interposition in Captain Pelletier's behalf, to invite your careful attention to the accompanying copy of a despatch from G. Eustis Hubbard, United States consular agent at Cape Haytien, dated April 13, 1861, which, with the accompanying papers, will show you not only that that gentleman was convinced of the unlawful character of the enterprise contemplated by Captain Pelletier, but will also disclose many important facts which seem to have warranted the conclusions he adopted.

You will please to renew your examination of the case in the light of these papers, and report the result to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

B. F. WHIDDEN, Esq., *&c.*, *&c.*, *&c.*

Mr. Hubbard to Mr. Seward.

No. 41.] COMMERCIAL AGENCY OF THE U. S. OF AMERICA, CITY OF CAPE HAYTIEN, *April* 13, 1861.

SIR: I have the honor of informing you that the American bark William, of New Orleans, Captain Antonio Pelletier, has been seized by the Haytien authorities at Fort Liberté, a small closed seaport about 20 miles east from this city, as a slaver and under very suspicious circumstances.

11 From all the reports and evidences which I can collect, it would appear that the bark William, after a very roundabout and apparently illegitimate voyage on the Spanish main and among the West India islands, arrived, on the 21st of January last, in Port-au-Prince, where the master entered his vessel as coming from New Orleans, although he could show no regular clearence from that city. This irregularity was passed over, and the vessel duly entered in the custom house at Port-au-Prince; there she was suspected of being a slaver, which which suspicion was substantiated by the written evidence of several of her crew and passengers, and the proofs were so strong that the authorities of Port-au-Prince visited and searched the vessel, but, contrary to law and usage, without having advised the United States commercial agent of the facts and their proceedings. There were found on board 20 pairs handcuffs, 12 six-barrel revolvers; 4 rifles, 1 pistol revolver with poignard attached; and two kegs of powder, certainly a very large amount of arms and ammunition for a vessel in a legal trade—and in the hold a large number of beams, cross-bars and planks, water casks, (the report is for more than one hundred of the latter,) and a large quantity of provisions. The handcuffs were taken away and delivered to the government. After these proceedings, Captain Pelletier declared that his vessel had been siezed, the American flag trampled upon, and abandoned her, demanding a large amount of money as damages; thus matters were arranged by the United States commercial agent at Port-au-Prince with the Government, and after Captain Pelletier had

sold some goods, which it would appear had been shipped on board the vessel as freight in Carthagena, to be delivered in Rio Hache, and taken a few tons of logwood, he left Port-au-Prince on the 20th of February. About the number of crew employed on the William I have no definite information, but from all accounts it is very large, not less than 20 men of all nations, but principally runaway Frenchmen and Spaniards. As far as I can learn, the real object of Captain Pelletier in going to Port-au-Prince, and which he endeavored to effect there without success, was to engage 50 men and six women, Haytiens for the given purpose of working a guano island. When the William left Port-au-Prince she was accompanied off the coast as far as Cape St. Nicolas Mole by the Haytien war steamer, the Geffrard.

On the 25th of March the signal station of this city reported a square rigged vessel in the northeast; on the 26th I saw the vessel myself from this port, and made her out to be a bark, beating up to windward against a stiff breeze, when, from the position in which I saw her, she might easily have entered into this port in a few hours. For five days she was in sight from the signal station, laying off and on the coast under easy sail, gradually working up to windward, and sometimes anchoring in the small bays and inlets of the coast. One night the vessel anchored in a small bay called Fond-blam, near the village of Caracol, and the next morning a quantity of foot-prints were found in the sand on the beach near her anchorage. Altogether her movements in these environs were very suspicious and extraordinary, and we were here quite at a loss to account for her actions. The same bark was passed near here on the 29th of March by an American schooner bound to this port; in passing, the bark saluted with the French flag; the schooner arrived here at noon the same day, and I enclose herewith an affidavit of Isaac B. Gage, her master, concerning these facts. On the 31st of March the then unknown bark went into Fort Liberté and anchored. I would mention herewith that during the whole time the vessel was in the neighborhood of the cape

she might have arrived here in a few hours. On his arrival at Fort Liberté, the master reported his vessel to be the French bark Guillaume Tell, of and from Havre to Havana, and that his own name was Jules Letellier, and stated there that he had got aground on the Silver Keys, and wished to engage a number of workmen to go over there with him and save a portion of his cargo, which he had thrown overboard there to lighten his vessel. The next day, April 1st, he wrote a letter in the French language to
12 the French-vice consul at this city, stating that his rudder was broken, and that he would arrange it as soon as possible and proceed to this port with his vessel to put himself under his protection; a translated copy of this letter is herewith enclosed. It would appear that on his arrival in Fort Liberté the master of the vessel did his utmost to put himself on a good footing with the authorities and people there, and one day invited a number of persons on board to dinner, treating them with great politeness; and that the inhabitants of that town had not the slightest suspicion about the vessel until the 3d of April, when one of the sailors escaped on shore and made his declaration that she was the American bark William of New Orleans, Captain A. Pelletier, and that the intention of the master was to kidnap a number of Haytiens and sell them into slavery. These statements aroused at once the people of Fort Liberté into action; the national guard was called out, the forts prepared, and the entire population of the town held themselves ready to repress any movement made against them. That same night, Captain Pelletier, finding his plans were discovered, endeavored to escape from the place, but being unacquainted with the channel, got aground, almost under the guns of the fort. The next day, the 4th instant, the French consul of this city arrived in Fort Liberté, and immediately commenced to investigate the case, and wrote a letter to the captain, J. Letellier, (he still keeping up his character as a French citizen, commanding the French bark Guillaume Tell,) requesting him to come on shore and deliver up his

papers; this letter remained unanswered, the master verbally refusing to leave his ship. The next day, the 5th of April, the French vice-consul sent another summons on board for the master to come on shore immediately, threatening to employ force if he did not come voluntarily. The master then replied by letter, that he could not leave the vessel until she got afloat; afterwards, finding that hostile steps would certainly be commenced against him if he did not comply with the consul's request, he hoisted a white flag at the main, and addressed a second letter to the consul requesting a safe conduct to shore, which was at once forwarded to him. Copies of the two above-mentioned letters from the master to the consul, signed J. Letellier, are in my possession, but their contents are without particular importance. The captain then came on shore; his papers were examined, and his vessel was proved to be the American bark William of New Orleans, commanded by Antonio Pelletier, the same vessel already suspected of having been a slaver in Fort-au-Prince. After depositions of the statements of the captain and crew had been taken, they were confined in prison. The vessel was then got afloat, brought back into the harbor of Fort Liberté and anchored near town; seals were put on the hatches, and a guard of Haytien soldiers placed on board; the papers of the vessel, captain's letters, &c., being deposited in the bureau of the place, together with all the arms and ammunition found on board, the captain's wife was allowed to remain on board, together with the cabin boy and cook.

On the 6th instant, as a last resource, Captain A. Pelletier addressed me a long, open letter, pretending to give an account of his proceedings, and the reasons for his having changed his vessel's name and his own, a copy of which letter is herewith enclosed, together with a copy of my despatch in answer, in which I announce to him that, in consequence of his highly suspicious actions, I do not deem it my duty to interfere in the matter with the Haytien authorities. The letter of Captain Pelletier to me is well calculated to excite sympathy and pity

for him in his present position; but, unfortunately for him, his assertions are notoriously untrue. I have proved to him in my letter, first, that it is impossible that he had lost his rudder and false keel; secondly, that he might have arrived in this port at any time from the 25th to 30th March; thirdly, that he knew perfectly well where he was going, and on what coast he was; and, fourthly, that he had piratically employed the French flag before arriving in Fort Liberté. Besides these, he asserts in his letter that the American ensign was float-
13 ing at the mizzen peak of the William when she was seized. This is not true; and I enclose herewith a letter from the French vice-consul to me, positively declaring that the American flag was never hoisted on board of the vessel at Fort Liberté; she was seized as the French bark Guillaume Tell, and it was only after examination of her papers that she was proved to be the William. Captain Pelletier also complains that his wife has been thrown into prison, which is also untrue, as the lady still remains on board.

Another very suspicious circumstance about the William is, that after leaving Port-au-Prince, the name of the vessel and the port to which belonging was erased from her stern, so that the vessel bears on her hull no indication or mark of her name or nationality.

In my opinion the entire movements of the bark William, about this island, have been highly suspicious, and I have no doubt but that the intention of Captain Pelletier was to induce a number of Haytiens to go on board of his vessel, under contract or otherwise, and then make his escape with them and sell them into slavery. This project is most hardy and daring, and it is difficult to understand its conception at the present advanced age. It is very possible, however, that he would have succeeded in his nefarious design had not the vessel already had suspicion fixed upon her in Port-au-Prince; indeed, my own doubts about the legality of the vessel's proceedings were so great that, had she escaped from Fort Liberté, I should at once have written to St. Thomas, Aspinwall, and

Havana, requesting the American consuls of those places to lay the facts before the commander of any foreign man-of-war in port, so that the vessel might have been apprehended and her real intention discovered.

It is possible that the vessel may be brought to this port, and the captain and crew escorted here for trial. I would therefore most respectfully ask information from the government what course I am to take if the vessel is afterwards given up and part of the crew released after examination, the latter of which will probably be the case. It is an undoubted fact that these men are composed of the refuse of all nations, and that they are not on a legal voyage, although provided with American protections. I would very respectfully call the attention of the department to these facts, and solicit an early answer as to what course I am to pursue in this matter.

I have the honor to be, very respectfully, your obedient servant,

G. EUSTIS HUBBARD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Enclosures.

1. Affidavit of Isaac B. Gage.
2. Letter of J. Letellier to the French vice-consul.
3. Captain A. Pelletier's letter addressed to G. E. Hubbard.
4. Hubbard to Captain Pelletier.
5. Letter from the French vice-consul denying the hoisting of the American flag on board of the William. (The last four, copies.)

Copy of affidavit of Isaac B. Gage, master of the American schooner Joseph Nickerson, about his having met a French vessel under suspicious circumstances.

I, Isaac B. Gage, master of the American schooner Joseph

Nickerson, of Boston, of the burden of 198$\frac{11}{95}$ tons, now at anchor in the port of Cape Haytien, do hereby depose and certify that on the 29th March, at 2 o'clock a. m., we
14 then approaching the land of Hayti, hove to his vessel.

At daylight, half-past four, Point Picolet bearing south-southwest 18 miles, made a bark three miles in shore from him, it being then calm, with a heavy sea running; both vessels stood off shore, the bark gaining somewhat on the schooner. At nine o'clock a little breeze sprung up, and he, fearing the two vessels would come too near together, kept off, and wore ship and passed astern of the bark about a mile to leeward, the bark still continuing off shore; as the vessels passed the bark saluted with the French flag, and the schooner answered by showing her colors in the main rigging. The bark had two royal yards, two quarter-boats, and when seen by the deposer was under the following easy sail: two topsails, spanker-mizzen staysail, foresail, and flying-jib; everything about the vessel was taut and shipshape, and he should judge her to be a vessel of about 400 tons. Under the circumstances in which he met the vessel, the deposer could not tell where she was bound, nor from, nor what she was about.

ISAAC B. GAGE.

Signed in the presence of—
JOHN L. WILSON.
BENJA. P. SEARS.

Translated copy of a letter addressed by Captain Pelletier, of the American bark William, under the false name of Captain J. Lettellier, of the French bark Guillaume Tell, to the French consul in Cape Haytien—the original letter written in French.

FORT LIBERTÉ, *le 1st April*, 1861.

MR. CONSUL: I have the honor of informing you that the French bark Guillaume Tell, from Havre, bound to Havana, got aground on her return for her point of departure, in the

passages in a gale of wind southeast to northeast, and that she has experience heavy damage, among others broken her rudder, topmasts, and false keel, lost a chain, two anchors, sails, &c., &c.

In the impossibility to continue my voyage, I had to let the vessel drift to reach the first port to repair damages, and it is by the effect of this drifting that I find myself in the port of Fort Liberté, which port is not, as I have been informed, open to commerce.

I have the honor of informing you, Mr. Consul, that my intention is only to arrange here my rudder, to enable me to steer my vessel, in order to render myself to Cape Haytien, where I shall have the honor to put myself under your protection. This will be to-morrow or the day after.

I have the honor to be, Mr. Consul, with respect, your very obedient servant and countryman,

J. LETELLIER.

THE FRENCH CONSUL *at Cape Haytien.*

Copy of a letter from Captain A. Pelletier to G. Eustis Hubbard, United States commercial agent at Cape Haytien.

FORT LIBERTÉ, *April* 6, 1861.

DEAR SIR: It is in a miserable dungeon that I write you, where I were placed yesterday with all of my crew. I am master of the American bark William, of New Orleans. Some time ago I left Port-au-Prince, where I was the victim of great vexation and injustice, inflicted upon me by the authorities of that place. Mr. Lewis, our American agent, did his utmost to get redress, but at last I was obliged to leave for
15 New Orleans, and had a misfortune in a gale of wind to drift on shore into the Bahama passage on a bank, which carried away my false keel and rudder, sprung fore and maintop masts, &c., &c. I was drifting about at sea for many days, almost unable to steer my vessel, and the first land which I reached was this place, where I could not get a pilot, and I

had to put in at any rate for to save my vessel, and there again I had the misfortune to run aground. A boat put off from shore, and I was really thunderstruck when I see she was flowing the Haytien flag, because I was assure that if they should find out that I was the bark William I should certainly get myself into more trouble. As to her bad name I will explain to you ; that vessel was sold by the United States to me, having been captured on the coast of Cuba with slaves, and ever since I have owned that vessel I have been tormented by injustice of people which don't wish to inquire into the private character of a man before they should act in the manner they did against me. My social position in the United States is very good, as I will be able to prove to you, if, as of no doubt, you come here to reclaim American citizens and property to a large amount, which to-day is completely in their possession. With great trouble I got my vessel afloat again, and put myself to work with my men to repair my rudder and other injuries to enable me to put off immediately, as I were fearful they would find out who I was, and with the purpose of keeping secret I hoisted up a private signal at the head of my mainmast, which was a small French flag, leaving the American ensign always ready bent to hoist up at the mizzen peak in case of necessity. Two boats full of officers the second day I was there came aboard to inquire who I was, and at the same time to register my ship. They made me open my hatches and overhaul everything in the hold. When they found everything was right, and that I had in nothing but was lawful, they came in the cabin and demanded my papers, and I had, for the sake of saving myself, ship, and crew, telling them that my papers having been wet with salt water after running aground, as it would be dangerous to touch them, as they would fall to pieces ; that falsehood obliged me to keep up the appearance of a French vessel, and I told them that the vessel's name was the Guillaume, which means in French William, and that my name was Telleier. This is my only crime, Mr. Consul, and if it is one I will leave you to be my judge. I was expecting

to leave in two days, and wrote to the commander of the place. I did not wish any communication with the shore, as this port was not a port of entreé; the only thing I was wishing to do was to fix my rudder to steer as far as the cape to put myself under the protection of my lawful protector. You will see by this that I was acting with best of motives, which were to save myself, ship, and crew, which are all under American protection, which I beg of you, in the name of myself, crew, wife, and family, which are all here with me, to protect us; and if I am guilty by having employed those means before stated for the purpose of saving my ship, at least save a poor woman and family and my crew, which are not guilty, and if you wish to send me to the United States to be judged by Christian laws; but here I am in danger, so the rest are, with the feelings of hostility which exist against me and crew and family in this place.

Now, sir, you will allow me the last act of this drama, which has put me completely in their power, and which will be our complete destruction if, without a moment of lost time, you don't reclaim us and prohibit our transportation to another part of the island, which they may do at any moment. On the night of the 3d one of my men ran away from the ship and made declaration that I was the bark William of New Orleans; that she had or was a slaver, and that I meant to rob, and I don't know how many falsehoods, guided by the spirit of vengeance. I was then requested immediately to come on shore with my papers; my boat was stopped, my men examined, and then sent on board again; then I received a communication from the commander of the place, if I wanted to leave he would take measures to detain me. That night,
16 having fixed my rudder a little, I very slowly got under way with the purpose of going to the cape to put myself under your protection, the wind very light and the current strong. I ran aground close to their fort at the mouth of the river. That morning having received a communica-

tion from the French consul, which had arrived from the cape, to come ashore immediately with my papers, and that if I didn't hostile steps would be taken against me and vessel, he was very angry, as he had been misled to believe it was a French vessel, and he is a man of great influence here with the people of the country. I am afraid my lot will be a hard one if you don't look upon me with mercy and come immediately to the rescue; and for God's sake do it.

On the morning of the 5th five schooners and several boats, full of men, about two or three hundred armed with loaded muskets and swords, came and took me by assault and firing. I was obliged to hoist a white flag to the main for the purpose of getting a conversation with the commanding officer, which came alongside. I asked him what that meant; his answer was, "by order of the French consul;" although the American flag was up, and, to save bloodshed, I had to give myself up. I was ordered to take my papers along with me, and the moment I arrived ashore I was searched, as well as my boat's crew, and my papers were overhauled and taken away from me, as well as the protections of all my men and private correspondence, which is now in the possession of the commander of this place. My ship was got off and put under way and brought back here to town, losing my anchors and other damages which I don't know yet to what amount, and we were all put in dungeon; from hour to hour I don't know what will be our fate.

Therefore, Mr. Consul, I beg of you, as a Christian and representative of the United States, to give me that protection which we stand so much in need; at the same time note my protest, and I beg of you not to condemn me until you hear me, as I am very sure the French consul will try to influence you against me. But you must recollect if there is one which has committed any fault it is nothing but me, and I only demand a lawful trial of my country; therefore, my crew and family are innocent, and deserve your pity and your protec-

tion; with all respect due to the representative of the United States, you will immediately grant to them.

I am, sir, your most obedient servant,

A. PELLETIER,
Master of the American Bark William.

Mr. HUBBARD,
Commercial Agent of
United States at Cape Haytien.

Since writing this last my family were likewise put in a prison. For God's sake do come; the French consul is at the head of all.

A. P.

Copy of despatch from G. Eustis Hubbard, commercial agent of the United States of America, to Captain A. Pelletier, in answer to his communication of the 6th of April, 1861.

No. 9.] CAPE HAYTIEN, *April* 11, 1866.

SIR: Your communication of the 6th instant has been handed to me, open, by the Haytien authorities, and its contents have had my careful attention.

You endeavor to prove to me that after having left Port-au-Prince you ran ashore in one of the Bahama passages in a gale of wind, and there lost your rudder and part of false keel; that after drifting about without being able to steer the vessel, the first land you made was Fort Liberté; that on discovering the Haytien flag you became frightened and hoisted a small French flag at the main, proclaiming your vessel to be the French bark Guillaume. These asser-
17 tions are entirely untrue. Had you lost your rudder and part of false keel, as you pretend, it would have been impossible for you to beat up to windward from the north-western point of this island to Fort Liberté, a distance of 100 miles; that Fort Liberté was not the first land you made, and that you was perfectly aware that you were on the Haytien coast, and where you was going, is proved by the fact that

you were in sight from the signal station of Point Picolet for five days, lying off and on the coast under easy sail, gradually working your way up to windward. On the 26th of March, at 2 o'clock p. m., I saw your vessel with my own eyes, jammed on a wind with a stiff breeze, in such a position that you might have arrived in this port in three hours, had such been your intention; that you hoisted the French colors before you arrived in Fort Liberté, and for purposes which you alone can explain, is proved by the fact that on the 29th ultimo you saluted an American schooner at sea by running the French flag up and down three times at the mizzen peak, Point Picolet at the time bearing from the two vessels south-southwest, distant about 15 miles. Of this I have in my possession the written affidavit of the master of the schooner, and this alone would prove you to have acted as a pirate.

I am sorry to inform you, sir, that under the circumstances I do not deem it my duty to interfere in the least with the Haytien authorities in their action in regard to you and your crew, and must positively, in consequence of your late suspicious actions, withhold from you that protection which you might otherwise have claimed under the American flag. You have rendered yourself, by your proceedings, amenable to the law of nations, and you will have to prove your innocence before a competent court of law and justice.

I am, sir, your obedient servant,

G. EUSTIS HUBBARD.

Captain A. PELLETIER,
Prison of Fort Liberté.

Translated copy of a despatch from E. Menuan, vice-consul of France at Cape Haytien, to G. Eustis Hubbard, United States commercial agent.

No. 71.] CAPE HAYTIEN, *April* 12, 1861.

SIR: I have the honor of advising reception of the letter

which you have addressed to me this day, asking me if the American flag was floating in the vessel seized at Fort Liberty.

I hasten to write you that I remained two days in Fort Liberty, and that never the flag of your nation was hoisted, for in that circumstance I should have guarded myself about writing to Captain Letellier, and not Pelletier, as he calls himself today. The correspondence even which I have had the advantage to communicate to you proves that he claimed protection from me as his countryman.

The authorities and the entire population of Fort Liberty, besides my statement, can always confirm this fact.

Receive, Mr. Consul, the assurance of my high consideration.

E. MENUAN,
Vice-Consul of France.

The CONSUL *of the United States of America.*

[Extract.]

Mr. Hubbard to Mr. Seward.

No. 42.] COMMERCIAL AGENCY OF THE U. S. OF AMERICA,
CITY OF CAPE HAYTIEN, *April* 15, 1861.

SIR: * * * * * *

Since my despatch No. 41, of the 13th instant, concerning the seizure of the American bark William, at Fort Liberté, 18 by the Haytien government, on suspicion of her being a slaver, nothing of importance has occurred in that case except the arrival here of eight of her sailors, who are and have proclaimed themselves to be Frenchmen. It appears that those still remaining at Fort Liberté claim American rights, and they will undoubtedly be escorted here in a few days. Beyond this I have no direct information about the

movements of the government regarding the vessel or crew. I have received another letter from Captain Pelletier, couched in about the same terms as the first, which has been written and sent in secret. I would respectfully call the attention of the United States government to this affair, and earnestly desire their instructions about the course I am to pursue in the premises. * * *

I have the honor to be, very respectfully, your most obedient servant,

G. EUSTIS HUBBARD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Extract.]

No. 43.] COMMERCIAL AGENCY OF THE U. S. OF AMERICA,
CITY OF CAPE HAYTIEN, *May* 20, 1861.

SIR: * * * * *

On the 5th instant Captain Pelletier and wife and the remainder of the crew of the bark William were brought to this city from Fort Liberté, and placed in prison; the vessel was also brought here by a Haytien crew. During their imprisonment in this city the captain and officers of the vessel were treated with a great deal of severity, as is the custom of this country, and not allowed to communicate with any one. This morning all the officers and crew of the vessel, with the exception of the mate, an American, who is at present sick in the military hospital, were placed on board of a Haytien government sloop to be taken to Port-au-Prince for trial, and the vessel proceeded to sea at once. The bark William still remains here awaiting the orders of the government, and will undoubtedly be also ordered to Port-au-Prince; the sick mate will probably be placed on board. The affair, therefore, will be under the control of the United States commercial agent

at Port-au-Prince, for all matters concerning the interests of American citizens concerned. * * *

I have the honor, &c., &c.,

G. EUSTIS HUBBARD,
United States Commercial Agent.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Bell to Mr. Seward.

41 PARK ROW, NEW YORK,
October 30, 1861.

MY DEAR SIR: Herewith I enclose to you for your official consideration certain protests of Captain Antonio Pelletier, now under sentence of death by the authorities of Hayti.

Captain Pelletier I knew most intimately, having served him as his legal counsel in this city for several years. I do believe that he has been unjustly condemned by the Haytien authorities, that suspicion has been substituted for facts, and that the desire for a victim on the part of this negro government is about to be satisfied in the person of Captain Pelletier,
19 unless our government should intervene for the protection of an American citizen. Surely the American government will not fail to perform its duty in the protection of the American citizen, in whatever part of the earth he may be, on the plea that a domestic war absorbs all its attention and all its powers. Such a confession would be weakness indeed. I shall believe that all the energies of the government will be displayed in the premises to save the life and the liberties of an American citizen.

I shall be pleased to hear from your department in this matter. I will ask so much of your favor that I may com-

municate your action to Captain Pelletier by the earliest vessel.

Very respectfully, yours,

RUFUS J. BELL.

Hon. WILLIAM H. SEWARD,
Secretary of State.

PORT-AU-PRINCE, *September* 10, 1861.

SIR: Enclosed I send you, by order of Captain Pelletier, different documents of his.

In his protest (on Haytien stamp paper) he declares why he had hoisted a French flag, and this is the only wrong he committed. Now, will this be sufficient to abandon him to this people?

My opinion is that the federal government should be informed of it. I cannot understand that he should have forfeited all protection by hoisting another flag in order to save his vessel.

The new American commercial agent, Mr. Seth Webb, has no experience in this country, and if he believes what the natives tell him, he might become their tool or instrument.

I am, sir, &c., &c., &c.,

ADR. ACKERMANN.

RUFUS T. BELL, Esq.,
Attorney-at-law, 124 *Nassau street, New York.*

PORT-AU-PRINCE, *September* 10, 1861.

SIR: Captain A. Pelletier is entirely unknown to me, and if I did something to linger his many sufferings it was for humanity's sake and for no other reason.

I knew also that he committed no crime in Hayti, nor did he attempt to commit crime, and as to the accusation which says he had the intention to seize a Haytien man-of-war, it is, in the opinion of the honest class of people here, the most

ridiculous complaint a colored man could invent, and in the mean time a great insult to the Haytiens themselves.

Relative [to] the proceedings used towards the captain and other Americans from bark William, they have been inhuman and illegal, and in opposition to the laws. The American nation has been insulted, as the captain declares it, it is all true. I think you would do well to encourage the New York Herald to publish Pelletier's writings which have been sent to Mr. Bennett. It is to be expected that the United States government will interfere, otherwise it would be shameful to be an American citizen. Should I give the details of what happened I fear no honest man could believe it.

I am, sir, &c., &c.,

ADR. ACKERMANN.

R. T. Bell, Esq.,
Attorney-at-law, New York.

---

20 *Mr. Pelletier to Mr. Lewis.*

Prison of Port-au-Prince, in one of their dungeons,
On August 26, 1861.

Dear Sir: Allow me to send you this letter, which may serve as an additional note to my many protests already sent to you, and which may give you a true light of the deep intrigues which some of the authorities here wish to use as a cloak to hide their double meanings, as will be explained as follows:

My crew is composed of all French, with the exceptions of my mate, one man and myself, who are American citizens. By the treaties between France and the republic of Hayti, no Frenchman can be subjected to a sentence which gives a positive punishment in this country; that is why, sir, you have seen from the beginning the French part of my crew enjoyed the wide path and privileges and full liberty, whilst we Americans, lawful citizens of the United States, were subjected to the most inhuman and cruel, barbarous and never heard wild-like treatment, chained up like mad dogs, dragged from station to sta-

tion in this republic, flogged almost to death, pelted by stones by a wild population instigated by vile intrigants, and finally arriving in Port-au-Prince chained up by our feet, dragged into the gutter; pursued by 3,000 or 4,000 people wild with madness, bleeding, our clothes torn from our bodies, and made to walk two miles, and thrown into a filthy dungeon, deprived of food and air, victims of all the barbarous which the devil could invent into the hands of the deep intrigants. I will ask you, Mr. Lewis, what crime have we committed, and what proof had they of guilt against us? They only had those proofs which they had obtained through bribery and subornation, as it was proved so clearly before you by affidavits which proved to you clearly that their intention was to shade their abuse of authority by infringing over the laws of civilized countries.

That is why, sir, we have suffered all those pains before mentioned; first, because we were American citizens; secondly, as an American citizen I was not afraid to declare to the President of Hayti the names and the mode employed to prove the legality of their steps.

That is why, Mr. Lewis, finding me with my ship in distress upon the shores at Fort Liberté, my rudder away as well as my false keel, and my ship in an unmanageable condition, it would be for them a very easy matter to obtain, through the same means before employed, proof to get a victim of their private vengeance; that is why they have not stopped to anything in Port-au-Prince since they have had me in their power. The first move they made to make sure of me was to try to have me judged before a military court, where they were certain to obtain their great wish, my execution, the only price which could satisfy their private vengeance; for that purpose they began their integrity, and when they found some of my crew, which no inducements could make them tell lies and falsehoods which could accriminate me, J. J. Silavois, public prosecutor, charged his battery and employed the most violent threats, such as "we have obtained the head, that of the captain, in which skull we will drink his blood, and if you do not declare such and such

a fact, (mentioning the false accusation which they wanted to prove,) at the place of one victim we will have two—you shall get shot." This fact happened to John Henry Brown, one of my American crew, who has been with me since I sailed from Mobile; being a honest man, never the fear of death would make him tell an untruth. To other men they were threatened to be put in irons, and other punishments, but to no avail; and when they found that not a single fact had not been obtained to prove my guilt, by all the means employed could not obtain their wishes, my life, that process was abandoned, and they began a new interrogatory for the purpose of having me judged before one of their jury; but God, the just, only knows the vile, contemptible means employed to convict me. Seduction, bribery, and
21 villainous acts are ever known generally to the public to be the tools employed by J. J. Silavois, as an knife of two edges, satisfying his vile passions on one side, and on the other to obtain my death. My supercargo, Urbain Castay, and his reputed sister, (Mad. Lacolet, of Havana, born Denreux, of Paris,) which both persons have been taken by me in the utmost poverty, enjoying all my bounties, were found to be the fit agents of the diabolical purposes of their master, J. J. Silavois. I shall not enter into the details, they are too disgusting and too well known generally to the public for me to tire you on that subject any longer. Only one fact I will mention: that supercargo and his sister, for fear that public vengeance would open the eyes of the public press, and by that means their names will be known all over the world as having sold their benefactor, they had enough power on the prosecution to have their names changed on the dockets. I shall not name to you, sir, the many injustices, the abuses of authorities, the unjust and unlawful judgments rendered against me, all for the purpose of having me convicted with the rest of the Americans, as I am well aware you are acquainted with all these facts, and that you have protested most energetically against it. The only fact which they may think I have com-

mitted was to follow the laws of the United States, which any shipmaster is allowed to follow, which is, when in danger to fall into the hand of a privateer or into the hand of an enemy known to him, he may take such a precaution which may save the property of a United States citizen. My ship being in distress and unmanageable condition, I was too well aware if my vessel would be recognized by the authority of Hayti, I should be what I am to-day, a victim, the property of the United States lost; that is why, having found that my ship had drifted on the hospitable shore of Hayti, the state of my vessel prohibiting me of going away to another port where I could receive the protection which I was entitled to, I called my crew aft and told them their dangers; they were into a foreign port not open to commerce of a foreign country, not recognized by the United States and an enemy to me, and the laws of the United States consider me as on the high seas, and therefore considering myself in danger of losing my vessel, my liberty, and that of my crew, if they should recognize the bark William, and only wishing to remain one or two days, time enough to repair my rudder, I should disguise my ship and make her pass as French for the purpose before mentioned, and for that reason only. *That is my only crime, if crime is.*

Now, sir, my position is this; I and the other Americans certainly will be condemned if they have put the French part of my crew as complices, was only to shade their bad intentions, as they will never hurt a Frenchman. (See the treaty between France and Hayti.) And that's the very reason why, if they have bribed a Frenchman to tell a falsehood against me, and can do it without compromising himself, as he is where he will escape punishment.

I have no notify you, that if they cannot obtain their desired vengeance by their illegal steps giving them always a shade of lawfulness, they will obtain my death by violent means, calling it a natural death, and maybe the rest of Americans also with me. Under those circumstances, therefore, I beg, in the name of myself and crew, in the name of the United

States in which we are citizens, that you may take such a step at least which may secure us from violent death, of which we are exposed every minute—in the day shut up in our dungeon; which act of justice I hope you will see the urgency.

I am, dear sir, respectfully yours,

ANTONIO PELLETIER,
Master of American Bark William.

Mr. Lewis,
Commercial Agent of the United States.

Note.—If I ask the protection of the representative of the federal government of the United States, is because
22 its my right as a voter and real-estate holder in the city of New York, where my family resides. Yet as a democrat, elected in the city of Chicago, Illinois, as an alderman of the ninth ward by the said party, always a Union man and still a true one, I never forfeited the right to the protection which I demand to-day; and if I am found to-day to command a vessel belonging to the State of Louisiana, at the time I took said vessel that State was still under the glorious institution called the United States.

A. P.

In a Dungeon of Port-au-Prince, Hayti,
June 21, 1861.

In the name of our just God, I, Antonio Pelletier, citizen of the United States of America, according to my act of naturalization, dated New York the second day of November, 1852, and master of the American bark William, of New Orleans, over which vessel I have the lawful and legitimate command, protest against the barbarous, unlawful treatment to which I have been subjected by force on the part of the Haytien people and Haytien civil and military officers; protest against all their acts against me, my crew, my vessel, or things belonging to me, my crew, or my said vessel, for the reasons I shall give

according to my dignity as a United States citizen, master of said bark William.

Whereas the bark William, under my command, was found by me to be in a bad working order, not being able to go about, I was obliged to run for the island of Inagua, for the purpose of taking more ballast, which I did immediately after having come to an anchor in a bay called Men-of-war bay; by the meantime that I was working, breaking stones, and getting my ship ready for sea, a very heavy gale of wind from south-west-southeast struck me with such a force that I was obliged to slip my chains by the ends to save my vessel from going ashore. I had several men working on board from shore, helping me with their boat to take in ballast. These men had to go to sea with me, their boat and all—they were all negroes; and for the purpose of taking those men back to their home and family I was obliged to beat up to the windward for several days, and it was in entering the port of Men-of-war bay for the aforesaid purposes, and at the same time to fish up my anchor and chains, that the pilot run me upon a reef, where I lay thumping for 18 hours, losing my false keel, my rudder carried away, both topmasts sprung. In that position I determined that I could get to a bay where I could lay in still water for the purposes of fixing my rudder; I would go, as I did not want to enter any port where the expenses would have eaten up my ship and lost of my crew by desertion, as I wished only to fix my rudder and lash my masts; therefore I kept close upon the wind, after having cut a hole in my rudder and passed a chain through it to keep it close to the ship to enable me to steer her. I was great many days drifting about, as the fastening of my rudder gave way, and the currents taking me north-east. By observation at last I came in sight of this island, and by observation I was about two degrees further to the windward than I had the ill-luck to find myself, my chronometer having been spoiled by the heavy striking of the ship when ashore. I tried for two days sounding to get bottom, but I could not. I had always a flag flying at my foremast head,

demanding a pilot, but none came. At last, fearing that if I should go to sea again that day my rudder would go altogether, and that I should lose the vessel, I decided to enter the first place I could; and having seen a small port I steered for it, and without a pilot I went in, but I would not go over one-half mile in; that I saw with the glass a flag, which, after having looked with great attention, we knew to be the Haytien flag. Then I knew I should have trouble, if the authorities of Hayti should find out the vessel's name or mine, and consulted with my officers, and as I could not go back, the wind blowing from the sea. My crew the most part of them were French, which I had shipped at Port-au-Prince, four young men not over 20 years of age. I came to the conclusion not
23 to disclose the name of my vessel nor mine, not wanting to stay there more than two days, the time necessary to get my rudder fixed to enable me to go to my port of destination, New Orleans. The visiting officer came on board and I told my crew that they must say that we were French from Havana, bound to Havre de Grace, and that instead of calling me Pelletier they should call me Letellier. To the captain of the port I said the same, and told my supercargo to write in my name a letter to the commanding officer of the place, telling him the state of distress of my vessel; telling him that my intention was only to repair so far my vessel, so as to enable me to proceed on my voyage; and that I would not infringe in any way upon the rules which he would be pleased to dictate. He came next day on board with all his officers and made a report which he made me sign; visited the whole ship, and then told that he was going to write to the French consul to let him know that I was there, and insisted that I should write to said consul. I was afraid that if I refused he would be suspicious; at the same time I was afraid that the consul would come down to Fort Liberty. I therefore got a note written by my supercargo telling the French vice-consul that my vessel was French, calling her the Guillaume, which was William in English, but that I had been obliged to come

into that port by the distress of my vessel, but that I would be going out the day after, as I did not mean but to fix my rudder. That night one of my men, the boatswain, of the name of Miranda, ran away. He was a man who had tried to poison me and officers to take the ship away from me; and by the statement of the whole crew I discovered afterwards that he had shipped with me only with that intention, and he has stated that he had promises from the authorities of this place to give him the vessel, and make him an officer in their navy. He had even made offers to some of my men, if they would help him that they would be liberally rewarded by the Haytien authorities. Having run away with one of my boats, he went and made a declaration against me to the authorities of the place, stating that I had come there with intention of stealing negroes. I received next day an order from the commanding officer of the place that I must go ashore with my papers to prove my nationality, but I answered that it was impossible for me at that moment to go on shore, that my rudder was on my deck fixing, and that it was against the law for me to leave my ship in that state, but that I would as soon as my rudder should be in place. About two o'clock in the afternoon a boat of mine having come back from shore, where I had sent them on duty, reported to me that the authorities had stopped them, taken my boat, and examined the men, and after a great many questions let them return to the ship. I then wrote to the commander of the place that I did not know why he should have used hostile means against me or my men, and that I had just been informed by my boat's crew that they had been stopped, and therefore I was determined not to have any further intercourse with the shore; to do me the favor to let me know if I was indebted on shore, that I would send the money, as I should certainly leave the port that day. An answer came late that evening that I must not move from where I was, and that if I did I would have to bear the consequences. At two o'clock in the morning, having a very little land breeze, I got under way to get out of that port, to save my vessel

from them. I got so far as the last point of the river, and I expected that two minutes would put me out to sea, when the wind died away, and the currents put me against a bank of stones, where I was obliged to lay. In the morning I received a letter from Mr. Menean, French vice-consul at the cape, telling me to come up immediately to their place with my papers and prove my nationality, as he knew I was the American bark William, and that my name was Pelletier. The bearer would not take any answer from me, and as my ship was ashore I could nor would leave her, in hope to get her out. Next day a force of five schooners full of armed men—about three or four hundred—came along close to my vessel which was hard upon the rocks, and *fired at me*, while I was standing on the quarter-deck. I had armed my men
24 with the intention of defending myself if it was necessary; but first I hoisted a white flag to ask them what they wanted. The officer who commanded that force, and which was composed of part soldiers and part citizens of the place, were all drunk, and when the general came alongside he said to me not to mind them; that they were in a state of drunkenness, and that was the reason why they had fired without orders; that I must go with the vessel up to the town. My ship was gone off by them, taken possession of by them; my papers, private and ship papers, were taken, and I placed in jail in a dungeon, where I was insulted by the people who would come and look at me through the iron bars. When I came ashore the French consul put a pair of pistols on my breast and got me seached. We were obliged to live there in the dungeon for six weeks, living upon the charity of a few persons who sent us some food. At the end of six weeks a schooner of about ten tons came from the cape to take us away; *we were put in irons* and placed in the hold of that vessel, six of us into a space of six feet square, until we arrived at the cape, where we were marched between a file of soldiers and in the midst of a few thousand people, which abused us throwing stones at us. There again we had to live upon public

charity, until we were again placed in irons, put on board the same schooner, bound to Port-au-Prince, where we arrived, and were made to walk with heavy irons of the length of a foot, about two miles, the blood running down our heels, produced by the irons. One of my men being sick, fell to the ground and could not get up again; then they took him by the legs and dragged him until they left him as dead in the yard of the jail. All we who claimed to be Americans were put into the "secret"* and in irons, and I am still in the "secret;" and the little food they give me I am always afraid is poisoned. I know that they are determined to have my life and my vessel, which they have now in their possession, destroying everything. The examination of witnesses in my case has been totally illegal, so far as facts have been obtained by threats and that before me; therefore I protest against a trial without jury in whatever country it might be, as illegal and unjust. I claim the American protection, and refuse to accept Haytien authorities as competent over the American citizen and vessel; and that the French and English consuls had positively declared to the Haytien government that I ought to be judged in the United States. I committed no crime on Haytien territory, neither murder nor kidnapping nor theft, nor attempted to commit crime, and that consequently Hayti has no right over me or my vessel; that I recognize only the United States authorities over me; that it is a world-known fact that Haytien justice against white men has always been partial, and finally that Hayti is not even recognized by the United States.

I am ready to answer before an American court of justice any questions they might please to ask me, and to submit to their judgment. That Haytiens have employed every means against me, legal and illegal—irons, ill treatment, want of air in a tropical climate, insults—and that I consider such treatment as murderous attempts on my life, being only accused and not yet condemned. But they applied such tortures upon me as no civilized nation applies to condemned men. I claim

* Secret means close confinement.

justice for myself and the vessel confided to me from the United States of America, as having a right to it; as I am an American citizen, and it being the duty of the United States government and all its officers to protect American citizens against unlawful pursuits and treatment, and to protect American vessels. And that unlawful and foreign force is upon me to destroy the life of an American citizen, and to destroy American property. And I claim the intervention of the United States consul, and that he be the judge to say if I have to stand before a court for my acts, and that supposed court can only be a United States court, for acts committed on board an American vessel. I claim the intervention of any civilized officer; the momentous circumstances make me suffer
25 for all foreigners. I appeal to all persons or bodies of persons, to all civilized nations or their officers wherever they may be, to say if any civilized people would have tortured me or imposed such sufferings upon me, being only a "prevenu" or in a state of accusation, as this country has done by the great reason that I am a wite man, and that they want a sacrifice.

So made in the dungeon, God as witness, and ready to swear on oath before any duly authorized body or person, that this is verity and nothing but verity, and that this is my own handwriting. So help me God the just.

ANTONIO PELLETIER,
Master of the Bark William.

INTO A DUNGEON IN THE PRISION OF PORT-AU-PRINCE,
August 31, 1861.

I, Antonio Pelletier, master of the American bark William, citizen of the United States, duly naturalized in my own name, and in the name of Thomas Collar, United States citizen, chief mate of said bark, bolonging to Cooperstown, Otsego county, New York, and in the name of John Henry Brown, United States, belonging to Boston, in my own name

and in theirs as the only victims of the black plot which against us has been connived, for the reasons publicly expressed by the public prosecutor, that whereas we were belonging to a nation composed only of thieves, robbers, pirates, and intriguants, of which nation the official seals of their consuls must not be recognized, has then consuls of the United States in foreign countries, must be considered as before mentioned, thieves and pirates, and that their seals or signatures must not be respected by the jury called to judge us; and whereas we, the undersigned, were deprived of our legal defences by imprisonment, for the only reason that they took our defence; and whereas their own witnesses were not allowed to go on with their own deposition, merely because their statement was establishing our innocence, they were threatened of violence, imprisonment, they had to run to save themselves under the protection of the French consul; and whereas it was alleged in plain court that Mr. Lewis, commercial agent of the United States, close to this government, had protested and reclaimed us and our property as wrongfully and unlawfully taken, he, the said United States representative, was grossly insulted by J. J. Silavois, public prosecutor, stating that he didn't care if Mr. Lewis, commercial agent of the United States, had protested, and that all the consuls of the United States would protest together, and that the jury must be well aware of what kind of people the United States was composed, and that her consul was no better, and that the jury must not be afraid at any rate to condemn those Americans, as the United States was too busy with her actual civil war to look into the affairs of her citizens abroad, and making them always understand that they must condemn us at any risk, so as to save the republic of Hayti from having to pay very heavy damages for their illegal robberies of the bark William of all her chattels and things, and of all the barbarous treatment which since six months we are the victims, as more fully detailed in my formal protest; and whereas by the indignities and insults heaped upon American citizens and upon the representatives of the United States, and likewise upon the

assurance of J. J. Silavois, the public prosecutor, that for the safety of the republic of Hayti they must condemn only the United States citizens belonging to said bark, at the same time assuring them of the impunity of their verdict, naming what it must be for each of us—death to the captain, and five years of chain and hard labor to Thomas Collar and John Henry Brown, and that they must not be afraid, that the United States was to busy with her actual civil war to lose time in coming to demand satisfaction for having unlawfully and cruelly spilt the blood of her citizen, and unmercifully and unjustly condemn others to chain and hard labor for five years, depriving them of life, liberty, property, and good name.

26 And whereas according to the advices and commands to the jury with his reason before mentioned, the said jury obeying the said dictation of said J. J. Silavois, public prosecutor, the said jury rendered their verdict, condemning Captain Pelletier to death, Thomas Collar to five years of chain and hard labor, John Henry Brown and Urbain Castay to the same pain, and that the French crew, eight in number, were judged innocent and set free.

But whereas upon the rendition of said verdict, one Madam Lacolet, née Ducreu, *alias* Madam Elize, *alias* Madam Urbain Castay, *alias*, since yesterday only, Harriette Tyrel, celebrated in Paris as Limonadiere, and in Havana known as the Violett of Parma, witness for the accusation, set out in loud crying, Why have you condemned my lover, Urbain Castay, she interpelling J. J. Silavois, public prosecutor, General Carrier, commanding Port-au-Prince, and others? Have not I done all which was requested of me on condition that Urbain Castay should be liberated? Have not I delivered my body to you and my soul to perdition on condition that I should help you to condemn those men, showing us and upon your promise of saving Urbain Castay, my lover, to-day? I am an object of disgust in this city. I have rendered myself criminal before God and before man. I have helped to condemn those poor innocents, and I have been tempted by you to com-

mit those crimes to save Urbain Castay, and I fool, fool that I was to believe you, when your real motives was only to satisfy on one side your filthy animal passions, and on the other your barbarous and cruel vengeance against those poor Americans.

And whereas upon those loud recriminations before mentioned, Madam Lacolet, *alias* &c., &c., &c., General Carrier, J. J. Silavois, and others jumped up to stop her so as not to allow the public to be acquainted with the vile, low, and contemptible means which they had employed to bring about my condemnation, and that the condemnation of Urbain Castay was only to be used as a cloak, as the public was murmuring a great deal; and moreover that their private connection between her and them was the object of the public gossip all over the city of Port-au-Prince; but as soon as my condemnation would go into effect he would go with his free pardon, and her with her bribe money, and that, in the meantime, he would be furnished with comfortable quarters, where she could visit him night and day whenever she pleased.

Therefore, in virtue of all the injustices, unlawful means, and even beastly actions, lies, duplicity, perjury, imprisonment of my legal adviser and defender, threats employed against their own witnesses who wanted to declare the truth that I was innocent, the breakage of seals and the abstraction thereof of all my important papers, which could have easily proved my innocence if it had been in my power to exhibit them in court, and if my defenders had not been imprisoned, put there only for the purpose to prevent them from defending me, or if even public prosecutor and judges had allowed their own witnesses for the prosecution, and had not threatened them to jail and other punishment if they would dare to say one word, although on their oath to tell the truth, one word, I say, which would have proved me not guilty.

And whereas since my condemnation I am chained up as a mad dog, shut up in a filthy dungeon, deprived of air so necessary in this tropical climate; whereas Thomas Collar and

John Henry Brown are detained in a filthy dungeon, with the worst which Hayti can produce, chained up thieves, robbers, and assassins; and whereas they are ready to swear before God and man that they are innocent, and that they have not committed any crime, nor had any idea or thought to commit one, and before any court of justice they should have been acquitted on a primitive examination, and even in a court of Hayti, where it is so generally known that a white man does not receive justice, if it had not been for the reason and motive before expressed; we, citizens of the United States, only victims of the blackest of plots, we would have been free as well as the French citizens, eight in number, crew of the bark William.

27 I, therefore, Antonio Pelletier, master of the bark William, do protest in my name and in the name of Thomas Collar and John Henry Brown, United States citizens, for the reasons and facts shown not only in this protest but in many other protests made before this at different dates, which copy were duly served upon the United States commercial agent of this place, and other foreign public officers, showing them with proofs the abominable conspiration and plots of which we were the victims, at the same time giving them the low means employed to obtain our condemnation, deprive us of our liberty, and inflicting on us abominable and inhuman torments which might cause our death, which the authorities of Hayti were determined to obtain lawfully or unlawfully, so as to serve their vile and mean purposes of all those facts, I do protest before God and man, my life ebbing every day through the bad treatment and the tortures imposed upon me daily to obtain as aforesaid a death, to be called a natural one, for the purpose before mentioned, and at the same time of the deprivation of air which, in this tropical climate, is so necessary to the health and life of a northern man, which, without it, he must die miserably: I, therefore, in my name, and in the name of Collar and Brown, do protest against those whose duty and obligation is to protect us against the dark inquisitorials, tor-

ment unjustly inflicted upon us, which would not be permitted if justly defended.

I do, moreover, protest in my name, and in that of Collar and Brown, against all those white men, our own race, public or private individuals having been notified by me through my former protests, which was declaring with proofs to them that we were to be sacrificed by the colored race, not as criminals justly condemned, but as victims of one race against another, and demanding protection of every white man, which said protestation came before their eyes; and that is why we do protest against all those who might have given us protection and did not, rendering them responsible for the unjust torments which we have received, and are receiving, for our death and blood, which might have been spared if helped in time. Putting our trust in God the just, we bow our head, and submit to his will. Men having abandoned us, may God Almighty in his mercy help us.

ANTONIO PELLETIER,
Master of the American bark William.
THOMAS COLLAR,
Chief Mate of said bark.
JOHN HENRY BROWN,
Sailor of said bark.

Mr. Roumain to Mr. Seward.

[Translation.]

HAYTIEN LEGATION,
WASHINGTON, *July* 28, 1863.

Mr. SECRETARY OF STATE: I have the honor to send you a memorial concerning the affair of Captain Pelletier, of the bark William, in conformity with the wish expressed by your excellency in the conversation I had with you on this subject.

Please accept, Mr. Secretary of State, the assurance of the

respectful consideration with which I have the honor to be your very humble and very obedient servant,

ERNEST ROUMAIN.

His Excellency WILLIAM H. SEWARD,
Secretary of State.

---

28 [Translation.]

The Haytien government, informed through a correspondence had with the American commissioner, Mr. Whidden, that the government of the United States purposes to give to its legation at Port-au-Prince instructions concerning the Pelletier affair, thinks it cannot better manifest its views on the fitness of such a circumstance than by addressing itself directly to the Department of State, to place within its purview all the incidents this affair has occasioned, and the course followed by the Haytien authorities through the current of the proceedings to which it has given birth.

About the first days of the year 1861, the bark William entered at Port-au-Prince, and her captain, Mr. Antonio Pelletier, declared at the custom-house that he came from New Orleans, with a cargo of boards and other merchandise. During the stay of this vessel at the anchorage, the Haytien authorities, suspecting her captain had not conformed to certain provisions of our laws relating to custom-houses, went on board to get at the proof of the contraventions of which he was suspected. It was in proceeding with the investigations to this end that they were led to the discovery of the existence of facts of very different order, and of a nature otherwise serious. They found concealed on board a quantity of 20 pair of handcuffs, four of Colt's carbines, 12 revolvers, two quarters of powder, a very large quantity of empty casks, provisions in abundance, woollen blankets in great number, and, besides, a false deck in course of construction.

Some days before, sir, Baina, one of the passengers on this vessel, the William, and five of her crew, had made to the

court declarations leaving hanging over Pelletier presumptions of slave trading and piracy. Discoveries resulting from the visit made on board of her gave consistency and weight to these presumptions; the authorities decided to open an inquiry into the account of Pelletier from his departure from the United States until his arrival at Port-au-Prince, and, moreover, into his conduct at this port.

This inquiry revealed that Pelletier had not set out from New Orleans, as he had declared at the custom-house, but from Mobile, where he had taken in his cargo of boards, bound for Carthagena. The interrogatories put to Mr. Baina, and the five seamen, made it plain that the cargo was only a means adopted by Pelletier to conceal the real object of his expedition, which was the slave trade and piracy on the seas and on the coasts of Africa.

At Carthagena, the mate, by name Mayer, to whom Pelle- had confided his secret designs, revealed them to some of the crew; this indiscretion brought upon Meyer cruel ill treatment, and the being shackled with handcuffs. However, he was able to escape, and got on board an English man-of-war, then at the port of Carthagena, and denounced to the captain of that vessel Captain Pelletier and the criminal purpose of his voyage.

In consequence of this denunciation, Pelletier thought of changing his course so as to turn aside suspicion, and evade the Gladiator, the English cruiser just spoken of. After having sold part of his cargo at Carthagena, he took on freight from Mr. Antonio Caño, vice-consul of her Britannic Majesty, a quantity of merchandise destined for Rio Hache. This merchandise was instrusted by Mr. Antonio Caño to his clerk, Mr. Juan Cotis, who embarked on the William with his family.

He had scarcely left Carthagena when Pelletier began that course of criminal actions about to be related. Not willing to go to Rio Hache from fear of meeting the Gladiator, he pretended that his mainmast was sprung; he terrified Mr. Cotis, put his passengers on allowance, although he was abundantly

provided with water and provisions. By these measures he succeeded in so freightening Mr. Cotis that he who had already in vain begged Pelletier to put in at Jamaica, engaged to pay him a large sum if he would consent to land him at the nearest land, which was the Grand Cayman. On arrival at this
29 island, he in fact landed Mr. Cotis and all his family, not, however, without having taken care to make him transfer in writing, through threats of assassination, the ownership of the merchandise of Mr. Antonio Caño, the value of which was more than $3,000.

From Grand Cayman, Pelletier touched at Cienfuegos de Cuba, thence came to Port-au-Prince, where he sold the rest of his boards and the merchandise extorted by violence from Juan Cotis.

Notwithstanding the weight of these declarations, notwithstanding the unanimity of the testimony which constituted a load of accusation against Pelletier, the Haytien government, although not ignorant of its right to pass judicially upon the captain of the bark William, preferred to let him go, and abandoned his punishment to the great maritime nations.

On another side, Vil Maximilieu, Haytien citizen, declared to the authorities that Pelletier had addressed himself to him to obtain fifty men and six women, who he wished to hire, he said, to gather guano. The Haytien government having conceived doubts about the avowed intentions, doubts only too completely justified at later time, thought it a duty to convoy the William by the mail boat, the Geffrard, out of our waters, and by this measure of precaution forestall any depredations on our shores. This upset the plans which Pelletier had formed in the roads at Port-au-Prince, but he was resolved to put them in execution at any rate. When the Geffrard left the bark William, Captain Pelletier hung about for several days in the passage of Hayti under the French flag; in the place of pursuing the course for New-Orleans, the port for which he had cleared at Port-au-Prince, he took an opposite

course and went to Fort Liberty, which is not open to foreign commerce. There he declared in writing that his name was Jules Latellier, captain of the French ship William Tell of Havre, coming from Havana; he said he was assured against averages, that he had been obliged to leave part of his cargo at Bay d'Argent, and come in search of fifty men to go and help bring it off.

This is the place to remark the motive which induced Pelletier to remain so obstinately in our waters, to change his name and flag, and to give a false denomination to his vessel. He wished nothing less than to carry on the slave trade and piracy on the coast of Hayti; the laborers he said he needed were destined to be taken off and sold in Cuba. This assertion is not a mere conjecture authorized by his suspicious devices; it is what was sworn to by his chief mate, Mr. Miranda, who succeeded in escaping from his vessel during the night, and went to denounce him to the authorities at Fort Liberty. Miranda told them that Pelletier told him that to make himself whole for the disbursements he had made at Port-au-Prince, he was determined to take from our shores and settlements a hundred and fifty men, whom he would sell as slaves in Cuba; and when it was objected that the Haytiens being free and civilized it would be impossible to carry them off, he replied, "We will kill some of them, and the rest will let themselves be taken." Miranda also deposed that Captain Pelletier had the well-settled intention to seize our coasters which he should find loaded with coffee and merchandise.

The disappearance of Miranda having been noticed, Pelletier wanted to prevent him from disclosing his odious designs. In consequence, on the following night, he went clandestinely into town with a part of his crew armed with daggers and revolvers, with the object of getting hold of Miranda dead or alive, hoping that he would not yet have had time to inform. This unjustifiable enterprise was unsuccessful. However, upon the denunciation by Miranda, the general com-

manding the commune summoned the captain of the William to come on shore with his papers. He refused, and pushed his audacity so far as to accompany the refusal with a letter full of threats, by means of which he thought he would be able to secure his escape by intimidation.

In view of such conduct, and observing besides that
30 the William was getting ready to sail, the military authority sent several boats full of troops with orders to take possession of the vessel. In his hurry to get out of port, the William struck on a sand-bank, was surrounded and taken.

Thus it was that Pelletier precipitated himself, emboldened perhaps by the consideration of which he had been the object at Port-au-Prince, into the bad condition in which he still continues.

Interrogated at Fort Liberty, the captain with his crew were sent to the Cape, imprisoned at that city on the requisition of the French consul, and afterwards turned over to the government.

During their imprisonment at the place of their arrest, Pelletier had written to the commercial agent of the United States at the Cape, Mr. Hubbard, claiming protection. This consular agent in his reply, marked A, a reply to which the undersigned particularly calls the serious attention of the Department of State, expressed in energetic terms to the applicant all the indignation with which his criminal attempts had inspired him, and ended by signifying his formal determination not to interest himself in any manner in his fate, which he had only too well deserved.

On the 19th August, 1861, the criminal court at Port-au-Prince began by taking cognizance of the charge of piracy and of slave-trading on the coasts of Hayti, of robbery with force of arms and violence, and threats of assassination, made against Captain Pelletier. On the 21st of the same month an interlocutory judgment was given, which, resting on an exception taken by the counsel for the defence, said and declared that

Messrs. Caño and Cortis were disqualified in their character of foreigners from constituting themselves a civil party to a process set on foot by the public administration against Pelletier and consorts; and said there was no point of connexion between this process and the action of which Caño and Cotis complained.

The court at the same time affirmed its competency. On an appeal in cassation made by Messrs. Caño and Cotis, the su preme court annulled the principle of this decision, which took from the complaining parties all right in the process, and recognized their right to be represented there in behalf of their civil interests.

The affair was then carried before the second section of the same criminal court; that issued judgment the 30th August condemning the accused Antonio Pelletier, in the penalty of death, to payment of $1,000 under the title of indemnity to Mr. Antonio Caño, and to $3,000 damages in favor of Mr. Juan Cortis, for the wrongs and injuries done the latter. In conformity with the provisions of the Haytien penal code, article 10, the court declared confiscated for the benefit of the state the ship William, comprising all the accessories; also declared confiscated the arms, munitions, projectiles, and utensils onboard, as things that had served and had been destined for the commission of the crimes of slave-trading and piracy. Four others of the accused were condemned as accomplices to close confinement.

Pelletier appealed to the court of cassation against the sentence of the criminal court of Port-au-Prince, but it is proper to notice, in passing, that the point in litigation was no longer the question of culpability, declared to be proven by the verdict of a jury, but merely the application of the punishment. The court of Cape Haytien, to which this last point was referred, pronounced, in place of the punishment of death, that of solitary imprisonment. The court of cassation, to which Pelletier again had recourse, has maintained just now, in the

last resort, the sentence of the criminal court at Cape Haytien.

Hereby the affair has reached its definitive solution, after having run through all the steps and exhausted all the means, the use of which was left legally and fully open to the condemned.

The Haytien government would here limits its ex-
31 planations, if the right which the republic had to condemn Pelletier had not been called in question by Mr. Joseph N. Lewis, commercial agent of the United States at Port-au-Prince, in 1861, and if since then the American commissioner, Mr. Whidden, in the correspondence interchanged with the secretary of state for foreign relations, had not expressed himself in such manner as to leave no doubt that he shared in that opinion. On the threshold of the discussion of these diplomatic reclamations it is of importance to inquire whether at any period of time whatever Pelletier really was an American citizen. The Haytien government has never had in this respect any strong belief, although it seemed proper to it never to make the observation to the agents of the United States, who, from their intervention, must have been considered as acting with perfect knowledge of the case; however, it would not perhaps be superfluous now to make sure, in absolute manner, of the truth of the fact. Our administration, deprived of the means of undertaking such researches with results, would learn with satisfaction that the Department of State has occupied itself with this point, in its scrutiny into this affair.

To return to the protest of the commercial agent of the United States against any decision of the Haytien jurisdiction: the undersigned has to establish that it has not been drawn up properly, in the point of view of international law. Mr. Lewis in effect has not held that on consulting the law of nations the Haytien government would be powerless against the unheard-of attacks of the captain of the bark William upon the property and the persons of our countrymen. Such a theory could

not possibly be maintained. The punishment of the crimes of slave-trading and piracy has invariably pertained to the nation upon whose territory crimes of those kinds have been committed. This universal rule, founded on justice, cannot be misunderstood without attacking the salutary principle of the sovereignty of nations, and the right which every one of them has to watch over their own safety, to defend every one of their members.

What Mr. Lewis pressed forward above all is that Pelletier was not liable to be brought to trial in our courts according to the Haytien legislation, and to sustain his assertion this agent cited in his note, marked F, the provisions of two of our laws, that of 24th August, 1808, and that of 8th August, 1815. He came to the conclusion that the action of Haytien justice, on the supposition that the facts reproached to Pelletier were proved, ought to be confined to delivering up the accused to the commercial agent of the United States, with the vessel and merchandise, to be passed upon by an American jury.

The law of the 24th of August, 1808, invoked as setting aside the Haytien jurisdiction, is inapplicable to the affair of the William; that law only concerns offences and crimes committed in the roadstead, or in our waters, by foreign sailors on board their own vessels and against their officers or comrades on board.

This results evidently from the latter part of article 5 of this law, which provides that proceedings shall be taken at the request of the captains or supercargoes; that is to say, of the officer whose authority had been disregarded. Article 6 of the same law determines that, except in such case only, foreigners may be prosecuted and sentenced by the magistracy of the republic.

As for the law of the 8th of August, 1815, it contains some special provisions in cases of piracy, and reaches all individuals arrested in Hayti, who have been guilty of this crime against the human race, either on our seas or elsewhere, whatever the

nationality of their vessels, or from whatever place they may come.

To return, Mr. Lewis, in order to take exception to the jurisdiction of the country, took upon himself to interpret, authoritatively, our laws, when such mission is incumbent on the courts alone, alone skilled to determine on their own competency, and, in proceeding, (as the criminal courts of Port-au-Prince and of Cape Haytien have done,) they have not only exercised an incontestable right, but have, besides, rendered respectful homage to the jurisprudence of the courts of cassation of Hayti, which, in 1823, upon a similar question,
32 laid down the general principle, to wit: that no circumscribed limits could be permitted to the suppression of piracy, and that this repression might extend to acts perpetrated outside of the jurisdictional limits of the republic; a decree which, if in accord with ancient and modern legislation, draws fresh conservation from the ideas of the laws of nations.

The undersigned feels obliged to remark to the Department of State that the affair of the bark William has not always presented itself to the mind of Mr. Lewis under the aspect of the incompetency of the Haytien jurisdiction to take cognizance of it. That consular agent in one of his letters, marked B, required the Haytien government, as well in the name of Mr. Byron, vice-consul in charge of the legation and consular general of her Britannic Majesty, as in his own proper name, not to set at liberty, on any account, Captain Pelletier and his vessel, before Messrs. Caño and Cotis should have time and opportunity to institute proceedings against them at Port-au-Prince. It is doubtless this contradiction that has induced Mr. Seth Webb, the immediate successor of Mr. Lewis, to say, in a letter dated 16th September, 1861, that in this Pelletier affair he could not well understand what had been done by his predecessor. (Paper marked H.)

The new American commercial agent hastened, in the letter to which allusion has been made, to blast, with energetic

rebuke, the character of Pelletier, who had, he declared, voluntarily and wittingly abandoned the flag of the United States, and had thus lost all right to its protection.

Mr. Seth Webb moreover brought to the knowledge of the secretary of state for foreign relations that he had reasons for thinking that a plot was whispered around for getting possession of the bark William, and converting her into a southern privateer, intended to commit depredations on the maritime commerce of the United States. In anticipation of this eventuality, the Haytien government was prayed to exercise strict watchfulness over the vessel, and, in case she should be acquitted by a final judicial decree, not to allow her departure before the American representative had satisfied himself that this vessel was not to enter upon any enterprise prejudicial to life or property of citizens of the Union.

The undersigned is now going to speak of an important incident. Although convinced of its right to cause Pelletier to be tried in conformity with our laws, for acts of which the captain had been guilty on our coasts, nevertheless the government of the republic, in the interest of its good understanding with foreign powers, had no wish to make any order in this respect without having taken the opinions of those powers. At a meeting had for this purpose, the members of the consular body were unanimous in declaring that "the conduct and proceedings of Captain A. Pelletier, from his departure from Coostas firmes to his arrival at Fort Liberty, Hayti, showed acts of piracy punished by all civilized nations, and, throughout, they consider that the government of Hayti has power and right to enforce against said Captain A. Pelletier all judicial proceedings which comport with the crime under consideration." (Paper marked C.)

The Haytien government flatters itself that the cabinet of Washington, after having given its serious attention to the exposition of the preceding points, will acknowledge that no infraction of international laws could have been committed, that in each phase of this affair the most formal rules of law have

been observed, the law of nations respected, and that not only in the opinion of the representatives of other foreign powers in Hayti, but even in the opinion of two American agents, Messrs. Hubbard and Seth Webb.

His excellency the President of Hayti is desirous personally to believe that the administration of the United States will find the foregoing explanations satisfactory, and that it will come to the conviction that there is no place for any diplomatic settlement of a question already solved by competent jurisdiction.

The undersigned, in transmitting this memorial, with
33 the papers in its support to the number of twelve,
to the Secretary of State, the honorable Mr. Seward, avails with pleasure of this occasion to renew to him the assurance of the respectful consideration with which he has the honor to be his excellency's very humble and very obedient servant,

ERNEST ROUMAIN

WASHINGTON, D. C., *July* 27, 1863.

A.

COMMERCIAL AGENCY OF THE U. S. OF AMERICA,
CITY OF CAPE HAYTIEN, *April* 11, 1861.

SIR: Your communication of the sixth instant has been handed to me open by the Haytien authorities, and its contents have had my careful attention.

You endeavor to prove to me that, after having left Port-au-Prince you ran ashore in one of the Bahama passages in a gale of wind, and there lost your rudder and part of false keel; that after drifting about without being able to steer the vessel, the first land you made was Fort Liberté; that in discovering there the Haytien flag you became frightened and hoisted a small French flag at your main, proclaiming your vessel to be the French bark Guillaume.

These assertions are entirely untrue. Had you lost your rudder and part of false keel, as you pretend, it would have been impossible for you to beat up to windward, under easy sail, from the northwestern point of this island to Fort Liberté, a distance of 100 miles; that Fort Liberté was not the first land you made, and that you were perfectly aware that you were on the Haytien coast, and where you were going, is proved by the fact that your vessel was in sight from the signal station of Point Picolet for five days, laying off and on the coast under easy sail, gradually working your way up to windward, on the 26th March, at two o'clock p. m. With my own eyes, I saw your vessel jammed on a wind with a stiff breeze, and in such a position that you might have arrived in the port in three hours had such been your intention. That you hoisted the French colors before you arrived in Fort Liberté, and for purposes which you alone can explain, is proved by the fact that on the 29th ultimo you saluted an American schooner at sea by running the French flag up and down three times at the mizzen peak, Point Picolet at the time bearing from the two vessels S.S.W. distant about 15 miles. Of this I have in my possession the written affidavit of the master of the schooner; and this alone would have proved you to have acted as a pirate.

I am sorry to inform you, sir, that under the circumstances I do not deem it my duty to interfere in the least with the Haytien authorities in their proceedings with regard to you and your crew, and must positively, in consequence of your late suspicious action, withhold from you that protection which you otherwise have claimed under the American flag. You have rendered yourself, by your proceedings, amenable to the laws of nations, and you will have to prove your innocence before a competent court of law and justice.

I am, sir, your obedient servant,

(Signed) G. EUSTIS HUBBARD.

Captain A. PELLETIER, *Prison of Fort Liberté.*

Copie certifiée conforme.

B.

[Translation.]

COMMERCIAL AGENCY OF THE U. S. OF AMERICA,
PORT-AU-PRINCE, *May* 3, 1861.

MR. SECRETARY OF STATE: I have the honor to inform you that Mr. Byron, discharging the functions of chargé d'affaires and consul general of her Britannic Maj-
34 esty, addresses himself to me, submitting the tenor of a despatch, bearing date 15th of March last, and coming from Mr. Antonio Caño, English vice-consul at Rio Hacha, State of New Granada. It results from this despatch that the main part of the cargo of the American vessel William, Captain Antonio Pelletier, sold at this port in February last, belonged to Mr. Caño, and that the captain had fraudulently extorted the possession of it on the high seas from the hands of Mr. Juan Cotis, clerk of Mr. Caño, and that under circumstances so extraordinary as to justify, on the part of that gentleman, the gravest complaints against the said captain and his vessel.

It appears, also, that Mr. Cotis has made, under oath, deposition before the vice-consul of her Britannic Majesty at Santa Martha of all the facts that pertain to this business, and that the captain of an English ship of war, which was at the time at Santa Martha, has taken to Jamaica all the documents necessary for the capture of said bark on account of the act of piracy of which the captain had been declared to be guilty.

Mr. Caño states that having been informed that the captain (Pelletier) and the bark William have been seized and detained, he will come here with Mr. Cotis, for the purpose of taking proceedings against them, master and vessel.

Things being in this state, and Captain Pelletier and the bark William being, in consequence of recent facts which occurred at Fort Liberty, detained by the Haytien authorities, Mr. Byron has requested me, in my character of agent of the country to which the vessel belongs, to ask of the Haytien

government, as I now ask by these presents, that the said captain and vessel be not, under any pretext, set at large before Mr. Byron may have informed me that Mr. Caño has had ample time and opportunity to take against them all the proceedings which should have seemed to him to be necessary. I can have no doubt, Mr. Secretary of State, but that justice will promptly be done to this request, which Mr. Byron begs me to present in favor of Mr. Caño, and in the interest of justice and humanity.

Be pleased to accept, Mr. Secretary of State, the assurance of my highest consideration.

JOSEPH N. LEWIS,
Commercial Agent of the United States.

Mr. VICTORIN PLESANCE,
Secretary of State for Foreign Relations, &c., &c., &c.

C.

[Translation.]

This day, the fifteenth day of the month of May, one thousand eight hundred and sixty-one, at 10 o'clock of the fore noon, we, the undersigned chargés d'affaires, consuls and vice-consuls, present in the capital, have assembled at the hotel of the secretary of state for foreign relations of the republic of Hayti, upon a summons given to us by this high functionary, for the purpose of holding communication upon the documents relating to Captain Antonio Pelletier, commanding the ship William, now lying in the roads at Cape Haytien.

The sitting being opened, the secretary of state for foreign relations explained to the meeting the motives which induced the assembly to-day. Soon afterwards the secretary of state for the general police made known what had been the conduct of the said Captain A. Pelletier during his sojourn at Port-au-Prince and until his arrival at Fort Liberty; the sec-
35 retary of state for justice then taking up the discussion continued the exposition of facts and read some verbal

proceedings, correspondence, depositions, &c., relative to the entry of said vessel at Fort Liberty, and until the imprisonment of the captain and crew.

Upon this the members of the consular body having consulted, declared unanimously that after mature examination of the facts and documents brought to their knowledge, it followed that the conduct and proceedings of Captain A. Pelletier, from his departure from Cote Ferme until his arrival at Fort Liberty, Hayti, showed acts of piracy furnished by all civilized nations; that consequently they consider that the Haytien government is authorized to put in force against the said Captain A. Pelletier all the judicial proceedings which comport with the crime in discussion.

Done at Port-au-Prince, at the hotel of the department of state for foreign relations, the day, month, and year above stated.

V. PLESANCE,
Secretary of State for Foreign Relations.
F. E. DUBOIS,
Secretary of State for Justice.
TH. SAMOTHE,
Secretary of State of the General Police.

I certify that in my personal opinion the Haytien government is fully authorized to use against the said Captain Pelletier all judicial proceedings which comport with the crime of piracy, which crime I have sufficiently proven in the documents which were brought to my knowledge on the occasion of the meeting mentioned in this present document.

HENRY BYRON,
Vice-Consul in charge of the Legation and of the Consulate General of H. B. M.

PORT-AU-PRINCE, *May* 18, 1861.

In my individual opinion, the acts of which the captain of the American vessel William has been guilty, enter upon the

category of crimes which it belongs to the Haytien government to prosecute.

V. HUTTINOT,
Director of the Legation and
Consulate General of France.

I share in the opinion above expressed by Messrs. in charge of the English and French legations.

CHRISTIAN SCHULTZ,
Consul-General to the Netherlands,
Consul of Denmark and of Hamburgh.

My opinion quite agrees with the foregoing.

F. S. DE ESCALANTE,
Consul of Spain.

I share entirely the opinion expressed as above by my colleagues.

OS. PURGOLD,
Consul of H. M. the King of Hanover, and the
Grand Duke of Mecklenburg.

I share in all points the opinions of my colleagues.

F. EDLMAN,
Consul of Spain.

36 PORT-AU-PRINCE, *May* 21, 1861.

I share entirely in the opinion above expressed by my colleagues.

LEWIS HARTMAN,
Consul of H. M. the King of Prussia,
and acting Consul of Austria.

PORT-AU-PRINCE, *May* 21, 1861.

My opinion is quite in agreement with that of my colleagues above.

S. N. SWEEDY,
Consul of H. M. the King of Sweden and Norway.

True copy.

D.

COMMERCIAL AGENCY OF THE U. S. OF AMERICA,
PORT-AU-PRINCE, *August* 13, 1861.

SIR: I have the honor to request the favor that Captain Pelletier, of the bark William, should have possession of all his private papers, which are necessary for the defence of his trial, which I believe takes place on Monday next, in order that he may have the benefit of the law and of justice, as he is certainly entitled to both, even should he be the worst of criminals.

He informs me that he has repeatedly requested to have those papers, and has up to this moment not been permitted to receive them; by them he wishes to prove that he is not guilty of the charges made against him; he would also request a copy of all the evidence made against him, if convenient.

I enclose for your perusal copies of letters, which you will please return. Captain Pelletier is greatly in need of clothing, as he says he has plenty on board and has not enough in prison to appear even decent with. You will be so kind as to allow him to have his clothes, which he needs.

I hope, Monsieur le Secretary, that the request of this letter may be complied with, and that Captain Pelletier may have justice done him, as the whole proceedings of his trial will be published in the public papers throughout the United States.

I have the honor to be, sir, your most obedient servant,

JOSEPH N. LEWIS,
United States Consul.

Hon. V. PLESANCE,
Secretary of State and Relations Exterior.

Copie certifiée conforme.

E.

[Translation.]

AUGUST 14, 1861.

SIR: I have had the honor to receive your letter of yester-

day; herewith I send you the two copies which you addressed to me as a communication under its enclosure.

The substitute of the government commissioner attached to the civil court of this district, who I have called upon to obtain from him information about the tenor of the demands of Captain Pelletier, has stated to me that the law does not authorize him to give up this captain's papers, but that these papers are in the clerk's office of that court, where the accused and his counsel may obtain any copies which they may think necessary.

37 As to the complaints entered against the captain, (Pelletier,) they are to be found set down *in extenso* in the bill of complaint, which was made known to him on the 5th instant. Nevertheless the law permits that the accused, or his counsel in this case, may have gratuitously a copy of the different *proces verbals*, setting forth the *corpus delicti*, as well as of the depositions of witnesses. Nothing hinders Captain Pelletier from using this facility by addressing himself to the clerk.

A third demand relates to clothing that he needs. I will give orders that clothing be placed at his disposal after it shall have been brought from the bark William, in presence of the commandant of this port or of his representative, of the substitute of the government commissioner, of the keeper of effects being on board, and of the party Captain Pelletier may himself select to represent him.

This withdrawal shall be made at the same time as that of the accusatory papers which the substitute of the government commissioner will have to exhibit to the court in support of the action taken against the accused.

Please accept, &c., &c.,

V. PLESANCE.

Mr. J. N. Lewis,

Commercial Agent of the United States, Port-au-Prince.

Certified.

F.

[Translation.]

COMMERCIAL AGENCY OF THE U. S. OF AMERICA,
PORT-AU-PRINCE, *August* 17, 1861.

SIR: I have had the honor to receive in due course your letter dated August 14, in which you have had the goodness to announce to me that you had given orders that Captain Pelletier, of American bark William, enjoy the protection of the laws of Hayti which relate to the case in which he finds himself.

To-day I have the honor to submit to you, Mr. Secretary of State, copy of a document the original of which is in my bureau, and which furnishes most palpable proof that your orders have not been executed at all.

It appears then, Mr. Secretary of State, that the substitute Mr. Silavois, who should not only observe the law, but also regulate his action by your lawful orders, has determined not to permit that justice be done in the affair of Captain Pelletier. There has not been, in fact, up to this time, a single copy of the necessary documents taken, because Mr. Silavois has withdrawn the papers from the clerk, in order to hinder in the most arbitrary manner, the Haytien law, (article 211 of the criminal code,) as well as your orders, from being executed, in despite of all the reliance I had right to build upon your letter of the 14th August.

It would be truly wearisome to recall, in detail, the measures used towards Captain Pelletier, and I see, Mr. Secretary of State, that there is no hope that the question at issue relating to Captain Pelletier can arrive at a satisfactory solution.

I think, then, that it is my duty as a commercial agent of the United States at Port-au-Prince, to refer to the laws of Hayti and cite the law of 24th August, 1808, title 1, article 5, and that of 8th April, 1815, title 2, article 5.

And as it appears that a defence founded in justice, and which would avail to obtain from the court the declaration

that it was not competent for the cause, is no longer possible, I have the honor to communicate to you, Mr. Secretary of State, what I have arrived at, and what I have decided to act upon, as follows:

I protest against the tortures inflicted on Captain
38 Pelletier, before any condemnation, in this—that he has been loaded with irons from Fort Liberty to Port-au-Prince, a city he was compelled to pass through in such condition.

Against the seclusion in which he has been kept for three months, without having been allowed to communicate with any one.

Against the illegalities practiced from the beginning of the prosecution.

Against the unlawful breaking of the seals placed on a packet of papers belonging to Captain Pelletier, which papers were under the protection of the seals of the French consulate at Cape Haytien and of those of the commandant of Fort Liberty. This packet should not have been opened unless Captain Pelletier were present, or his representative, as well as the French consul at Port-au-Prince.

Against the disposition of the greater part of the papers of Captain Pelletier which were enclosed in the said sealed packet.

Against the refusal of copies of such of those papers and documents as would have been useful to his defence, although the Hon. Mr. Plesance, minister for foreign relations, had advised me, under date 14th August, that he had ordered that necessary copies should be delivered to Captain Pelletier or his counsel.

Against the positive fact, that notwithstanding my note to the honorable Mr. Plesance, in which I protested against the presence on board of the bark William either of the self-styled Madlle. Pelletier, Madam Laeolet, born Ducreux, or any others, the authorities have permitted them to go there, which would not have taken place without interested motives on

their part; I protest, therefore, against the contempt with which my said note has been treated.

Against any decision of the jurisdiction of Hayti in the cause. The facts which are complained of, if they should be proven, (which is denied,) not subjecting Captain Pelletier except to be delivered over to the commercial agent of the United States, who will send him, the vessel, and the merchandise to his country, to be there tried by an American judge; and that in conformity not only with the laws of nations, but with those of Hayti even, (law 24th August, 1808, title 1, article 5; law of 8th April, 1815, title 2, article 5.)

Against any decision of the Haytien jurisdiction which may touch the affairs of Messrs. Caño and Cotes, the facts in this complaint, if they be proven, (which is denied,) having been perpetrated on board an American vessel in the course of a voyage. In such a case, the facts having taken place on the domains of high seas, the principle of the independence of the flag, and of the absence of the vessel from any territory, (of exterritoriality of the ship), compulsorily submits the affair to the competency of the courts of the country to which the vessel belongs, and this country in the present case is the United States.

Against everything that can be or may be done in disregard of this present notice.

I demand, therefore, that in conformity with the laws which I have mentioned above, Captain Pelletier, his vessel and effects, be delivered over to me, that I may transfer them, with all documents of the business, to the American authorities, which will decide upon the affair.

I hope, Mr. Secretary of State, you will please give me an answer, and answer and accept the assurance of my high consideration.

JOSEPH N. LEWIS,
Commercial Agent of United States.

Hon. V. PLESANCE,
Secretary of State for Foreign Relations.

Certified.

39 G.

[Translation.]

AUGUST 19, 1861.

SIR: I have had the honor to receive, the day before yesterday, Saturday, late in the evening, the letter you addressed to me on that day on the subject of the prosecution instituted against Captain Pelletier, of the American bark William.

Although the government of the republic had the right to prosecute Captain Pelletier in conformity with our laws, for acts of which this captain has been guilty on our coasts, nevertheless, in the interest of our friendly relations with foreign powers, it has not ordered anything in this respect without the precaution of calling together, as has been done, the representatives of those powers, and without taking their opinion on the course to follow upon such an occurrence.

There are, besides, third parties whose interests are involved in the matter, and for the protection of those interests formal depositions have been addressed to the government on one part by the consul of her Britannic Majesty, and on the other part by the consul of her Catholic Majesty, in this city.

To answer what you say to me of the refusal of copies of documents, it is in proof that the papers of Captain Pelletier were deposited with the clerk on Friday morning, and that the counsel of the accused had knowledge of this. He has even furnished the clerk with a note of all the papers he has need of, and has himself taken a gazette out of the packet which he acknowledges by a receipt given to the said clerk. The latter having been obliged to be absent on Friday afternoon, the public administration was obliged, as a matter of precaution, to take the papers back; but the next day, at eight o'clock in the morning, these papers were returned to the clerk, and until this time they are with him and at the disposal of the accused. Besides, the accused has not pointed out any act, either to the clerk or government commissioner or his substitute, nor addressed any request to the dean of court, which is the step he

ought legally to have followed if he had to complain of any difficulties in obtaining the papers which were needful to him.

The affair of Captain Pelletier is pending before the criminal court of this district, is in progress, and there is no longer any legal mode of stopping its course. If, however, during the argument the counsel for the accused should think they ought to put in exceptions, and think they ought to raise the question of incompetency, they will be at liberty to do so; and the court, you may well be assured, will be wise enough and impartial enough to follow what the laws prescribe upon this point, and decide as will be just.

I hope that, by what I now say to you, you will admit that in the state of the affair the government cannot in any way take up a question which a court of justice is at this time alone called upon to resolve. I regret, therefore, that upon considerations, the gravity of which cannot escape you, and because of the interests which the cause involves, and which imperatively requires all my protection, not to be able to subscribe to your request.

I have the honor, sir, to renew to you the assurance of my most distinguished consideration,

V. PLESANCE.

Mr. J. N. Lewis,

Commercial Agent of the United States at Port-au-Prince.

H.

Port-au-Prince, *September* 16, 1861.

Sir: Since your kind visit I have not felt strong enough to come and see you as I had wished and anticipated.
40 Among the topics on which I hoped to have the honor to speak to you there is but one requiring any speedy consideration. I can well defer all others till my health and strength allow me the pleasure of seeing you.

The matter which I refer to is the case of Captain Pelletier, his men, and his vessel. As I do not very well understand

what has passed on the subject between you and my predecessor before my arrival, I treat it as if nothing had been done about it at this commercial agency. The point to which I have the honor to call your attention is the following:

I have some reason to believe that a plan is on foot among certain persons in Port-au-Prince to seize the bark William, take her away by stealth, and convert her into a privateer of the southern rebellion against the United States. Connected with this, I apprehend, is an idea that somehow or other Captain Pelletier and some of his companions may be enabled, either by escape, rescue, or discharge from prison, to again resume command of the vessel. I have not evidence of these things definite enough to justify specific proceedings against individuals, but I trust that under the circumstances the Haytien government will keep the William under a guard sufficiently strong and close to prevent the possibility of her being taken out of the harbor in any violent or clandestine manner, and I particularly request, in case of her release by any decree of the Haytien courts or otherwise, that I may have full opportunity before she proceeds to sea to examine her for the purpose of ascertaining whether she is entering on any unlawful enterprise, dangerous to the lives and property of citizens of the United States.

I take this opportunity to inform you that since my arrival here I have received repeated letters from Pelletier and his companions, complaining of their treatment in prison. I have not felt called on to notice them officially in any way; because, as at present advised, I look on these men as having voluntarily and deliberately abandoned the flag of the United States, and as therefore no longer entitled to its protection.

I wish to say with emphasis, that neither the existing government of the United States, nor that vast majority of her people which brought that government in power, has any sympathy whatever with the class of crimes for which these men have been tried and condemned; on the contrary, they regard slavery itself as a deep and deplorable wrong, and look on

slave-traders and all their aiders, abettors, and agents as among the worst enemies of the human race. Adopting these views as my guide, I could not consent to take any step in my official capacity which could justly expose the Government of the United States to the charge of active sympathy with the acts of these persons. But while I wholly decline acting in the matter in any consular capacity, I take the liberty as a private individual, never indifferent, I trust, to the cry of distress from whatever source it may come, to express my earnest hope that you will have the kindness to look into the matter without delay, and if the complaints of Captain Pelletier and his fellows, as to bad treatment in prison, have any just foundation, that you will be pleased to have the causes of such complaints removed. The humanity of this age, I need not observe, regards all prisoners, not violating prison rules, as entitled to good air and light, proper food and medicine, civil address, and decent clothing. I trust that the justice and generosity of the Haytien government will supply Pelletier and his companions with all these necessaries of life, so far as may be consistent with their safe keeping.

Meanwhile, be pleased, sir, to accept the assurances of my highest consideration, and believe me your obedient servant,

SETH WEBB.

Hon. V. PLESANCE,

Secretary of State for Foreign Affairs.

Copie certifiée conforme.

---

41 I.

[Translation.]

SEPTEMBER 18, 1863.

SIR: I have had the honor to receive the letter which you addressed to me under date of 16th instant.

As regards what you say of the project which some individuals seem to have upon the bark William, I have caused

precautions to be taken tending to baffle all attempts of the nature of that which you fear. I have conversed on this particular with the local authorities, and have advised them to redouble their vigilance with the object of rendering impracticable the carrying away of this vessel, or the setting at liberty of one or more of her crew, actually transferred to the jurisdiction of the courts.

In our criminal procedure there is a chain of formalities and dilatoriness through which all causes must pass upon which the courts have to decide. But, although these formalities and delays may be calculated as giving every possible latitude to the defence, it is not probable, after the facts so plainly unveiled to the public view, and of which all the world might take cognizance through the newspapers, that the accused, belonging to the bark William, would escape a conviction. Nevertheless, if, which is perhaps not impossible, the case should happen, I will not fail, in conformity with your wishes, to give you information in time so that you may, before the discharge of the men and the vessel, take the measures which a laudable solicitude for the life and property of your fellow-citizens may commend to you.

I thank you, sir, for the sentiments expressed in your letter, which are so flattering to us. I do not pretend to felicitate you on the repulsion with which slavery, and those who give it their countenance, inspire you; it is too natural that a noble and elevated character should be shocked at a crime so revolting. But it is very agreeable to me to be assured that at the opening of your relations with the Haytien government you have spontaneously allowed to break forth the most generous sentiments in favor of the sacred cause of human freedom. To inaugurate on such a basis the relations between your government and ours is to open the way to confidence, the surest pledge of theirs to solidity and their duration.

I take note of what you have said to me of the complaints of Captain Pelletier, and the men confined with him in prison.

I will inform my colleague of the department of justice thereof, and will request him to give the most precise orders that the accused may have all the attentions which you recommend in their favor. You may rest without uneasiness on this point. But I must say I find difficulty in comprehending their complaints after what has already been ordered, having, besides, a report from the government commissioner which affirms that these persons, in respect to subsistence and lodging, receive all the cares which comport with their position, which is established by a deposition of Captain Pelletier himself, which has been communicated to me.

Accept, &c.,

V. PLESANCE.

Mr. Seth Webb,
Commercial Agent of the United States, Port-au-Prince.

J.

Legation of the United States,
Port-au-Prince, Hayti, *March* 31, 1863.

Sir: I am informed that the case of Captain Antonio Pelletier has been revived in the court of cassation in this city.

42 As this matter is now under advisement on the part of the United States for the purpose of specific instructions to this legation, in order to an amicable adjustment, I trust no new obstacle will arise to embarrass the case.

The questions of law transferred to the court of cassation, and which, under the laws of this country, should have been passed upon immediately, have rested, as I supposed, for the purpose of a settlement of the case by the authorized agents of the two countries. To revive this matter now, after so long silence, and while it is in the hands of the diplomatic agents of the two countries for arrangement, would increase the

breaches already made in international law, and render the whole case more difficult of adjustment.

Before pursuing this subject further I respectfully await your contraction of these proceedings, the news of which has just reached me.

Accept, sir, the assurances of my very high consideration.

B. F. WHIDDEN.

General A. DUPUY,

Secretary of State for Foreign Relations, &c., &c.

Per copie certifiée conforme.

K.

[Translation.]

Mr. COMMISSIONER: I have received your despatch, dated 31st March last, by which you advise me that the affair of Mr. Pelletier is again under consideration in the court of cassation, and that as the United States are now occupied with this matter, and propose to give you special instructions in view of bringing about an amicable arrangement, you hope that no new obstacle will arise of a nature to create difficulties in the way of this.

While waiting, sir, for you to receive the instructions you expect from your government, and which will enable you to communicate to the Haytien government the reclamations which will enable you to communicate to the Haytien government the reclamations which should bring about the amicable arrangement which you mention to me, I do not see how a judgment, rendered by the court of cassation, regularly possessed of this business, can create difficulties which you seem to foresee, and which the Haytien government would be very desirous to avoid. Moreover, I should say to you that it is an error to suppose the court of cassation has not sooner disposed of this affair, in view of leaving its regulation to the authorized agents of the two countries; the government cannot intervene

to suspend the action of justice, especially when this justice is called for by Mr. Pelletier himself.

Accept, &c.,

T. DUPUY.

Mr. B. F. WHIDDEN,
Commissioner and Consul-General of the United States, Port-au-Prince.

L.

[Translation.]

MAY 3, 1861.

Mr. VICE-CONSUL: I have had the honor to receive the letter you addressed to me the 30th April last. I thank you for the details into which you have entered; they constitute a series of information which will place the court in condition to appreciate the conduct of Captain Pelletier, and will throw light upon the acts with which he is charged, and about which
43 it is important to be quite certain. At the same time, whilst you are justly indignant at the misdeeds of which this seaman has been guilty, you make reservation in behalf of one of your countrymen shamefully despoiled by him. I have transmitted your despatch to my colleague minister of justice, in the interest of the proceedings, the preliminaries whereof are opened against the delinquent.

Accept, &c., &c.,

V. PLESANCE.

Mr. HENRY BYRON,
Vice-consul of her Britannic Majesty, Port-au-Prince.

Mr. F. W. Seward to Mr. Roumain.

DEPARTMENT OF STATE,
WASHINGTON, *August* 19, 1863.

SIR: I have the honor to acknowledge the receipt of your

note of the 28th ultimo, covering a "memorial" concerning the affair of Captain Pelletier of the bark William.

I avail myself of this occasion to assure you of my high consideration.

F. W. SEWARD,
Acting Secretary.

Colonel ERNEST ROUMAIN, *&c., &c., &c.*

Mr. Whidden to Mr. Seward.

No. 46.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *November* 6, 1863.

SIR: I have given my attention to the subject of your despatch No. 18, and have examined the copy of the despatch and papers from the consul at Cape Haytien accompanying the same.

Recalling your attention for a moment to my despatch No. 11, I based the statements I then made upon the evidence in the case then before me, examining the charges as preferred by the Haytien government, and the evidence upon which they relied to prove them. The information then furnished me was that he was charged with piracy. The theory of this government was, that that crime was committed by Captain Pelletier between Carthagena and Port-au-Prince. It was not claimed by them, as I am informed, that any act was done, after sailing from Port-au-Prince, upon which he could be convicted of that charge. It did not occur to them to arrest him when he was at Port-au-Prince disposing of his cargo. After leaving Port-au-Prince, and being, as he says, driven into Fort Liberty, on the north coast of Hayti, by stress of weather, one of his sailors, with whom he had trouble at Port-au-Prince, deserted and reported that Captain Pelletier had come there to take men into slavery. Upon this followed what I stated in my former despatch. The testimony of Cortes, the Spaniard and passenger who was landed at Cayman, with a sick wife, was chiefly relied upon to convict him of piracy. Cortes was obtained

after the arrest of the captain of the William at Fort Liberty. His testimony was, that a part of the cargo of the William belonged to him, and he was robbed of it. This government, as they say, paid him $2,000 for that property, and he retired.

It was found by them that they had no law by which they could proceed to try a man in such a case, so they remitted the sentence of their court, and had another and different one passed without another trial.

All the ship's papers were in the hands of this govern-
44 ment at the time of trial; they were not used, and were refused to the respondent upon demand to have them in evidence. Copies of these papers, so far as covers the testimony of Cortes, have been obtained from the United States consul at Grand Cayman, which show that this property, claimed by Cortes to have been robbed, was sold by him to Pelletier for a valuable consideration; that this transaction was all before and in the presence of said consul. This knowledge must have been in possession of this Government, through the papers of the William, when Cortes was used as a witness. Here, I am informed, closed their case.

The information furnished by our consul at Cape Haytien of what transpired there was well calculated to excite the suspicion of this people, if they had believed the testimony of Cortez to be true. There is nothing that I can add to what Mr. Hubbard has said in his despatch from Cape Haytien. If, then, the voyage turns out to be legitimate as far as Port-au-Prince, the remaining question, his course at Fort Liberty, is now to be considered in reference to *any act against this government.* As the evidence of all that was done by him there is on file in your department, I need not repeat it.

I have now given what has come to my knowledge in regard to this case, and also the course this government has taken in the trial and conviction.

It now remains, the evidence upon which he was tried being disposed of, to consider what offences may have been committed by Pelletier at or near Fort Liberty.

The evidence of this being before you, and this seeming to be a matter between Pelletier and his own government, will require an additional statement from me, the law stating where such an offence is to be tried if it is committed.

It seems important that this case should have a construction put upon it at as early a moment as possible, so that whatever course is to be taken should be taken soon.

The course of this government in this case seems to have been very extraordinary. By suppressing papers which would show the falsity of their chief witness, Cortez, it would seem that they had a purpose outside the case itself.

Enclosed I send the papers marked A, B, C, which will show their manner of procuring testimony, and of treating these men of the William.

I have the honor to be, sir, your most obedient servant,

B. F. WHIDDEN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Alexander Thiboudeau, a native of Bordeaux, France, now resident at Port-au-Prince, Hayti, formerly sailor on board the American bark William, Captain Pelletier, being duly sworn, stated:

That in the month of February, 1861, he shipped on board the said vessel as an ordinary seamen, and while said vessel was laying in the port of Port-au-Prince, Hayti, Captain Pelletier having had some difficulty with the authorities and being accused of intentions as a slaver, the deponent was called by General J. H. Lamothe, then minister for police, &c., &c., and was offered by him the sum of 200 Haytien dollars, provided he would join the rest of the said ship's company (then in jail) in making a false deposition against the said Captain Pelletier to prove that his real intentions were as a slaver, so that the Haytien government might seize and confiscate the

vessel on that charge. That he refused to make such a deposition, and that he called same day on Jos. N. Lewis, esq., then United States commercial agent for Port-au-
45 Prince, to make and did make a deposition to this effect.

And further states under oath, that to his knowledge five persons of the said ship's company did receive the sum of 200 Haytien dollars each for the purpose as aforesaid.

THIBAUDEAU.

Sworn to and subscribed before me at Port-au-Prince, this 11th day of June, A. D. 1868.

HENRY CONARD,
Secretary in charge of Legation.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI.

I hereby certify that the above and foregoing is a true and faithful copy of the original deposition taken before me and now on file at the legation of the United States.

Witness my hand and official seal, this 3d day of August, A. D. 1863.

[SEAL.] HENRY CONARD,
Secretary in charge of Legation

I, John Henry Brown, late of Boston, Massachusetts, depose and say that I was one of the crew of the bark William, Captain Pelletier, when said vessel was seized by the authorities of Hayti, in 1861, at Fort Liberty. I shipped on board of said vessel at Mobile, in the United States, and remained one of the crew until the vessel was seized, and the captain and crew imprisoned at said Fort Liberté.

There was some trouble with some of the sailors at Port-au-Prince before we left said port and went into Fort Liberty. The captain had five of the crew put in jail at Port-au-Prince, for larceny committed on board said vessel while she lay in harbor there. The general of police of Port-au-Prince saw

these prisoners while in prison, and offered them money to testify against the vessel, and also their liberty, telling them, if the vessel was condemned as a pirate vessel, they would receive part of the value. In this way he or some one procured affidavits from these five sailors that said William was a slaver, and that Captain Pelletier's business here was to steal negroes. The way I know this, one of these men who made affidavits as aforesaid told me so. He found fault with the authorities because they did not pay the prisoners as they promised for making the affidavits. He told me he knew these affidavits were false; but they were given because they were told they would escape punishment, and also receive the money offered. These affidavits were used in court against the prisoners, tried and condemned.

I knew these affidavits were false, and the man (sailor) Antonio, who gave me the information above about the bribery, told me he knew the affidavits were false also. He was one of the five prisoners offered money to give affidavits, and given assurances of reward from the sale of vessel. I knew of my own knowledge that the bark William was not a slaver while I was one of the crew. It was impossible; nothing she ever did showed such intention. Her cargo and provisions were not adapted to such a business, and I never saw anything in Captain Pelletier's acts, on any part of her voyage, that indicated that he intended to make her a slaver. I would not for one moment stay upon a vessel that I thought was a slaver, or to be made a slaver. I should have left her the first opportunity. I was with the William during the whole of her voyage, and until we were captured and put in prison.

JOHN HENRY his × mark. BROWN.

Witness: C. Reynes.

46 Then John Henry Brown personally appeared before me, and made oath that the foregoing deposition, by him subscribed, contains the truth, the whole truth, and nothing but the truth, relative to the cause in which it is taken.

In witness whereof, I have hereunto set my name and affixed the seal of this legation, November 14, 1862.

B. F. WHIDDEN,
United States Com., &c., in Hayti.

[United States legation seal, Hayti.]

I, Thomas Collar, depose and say, that I was the first mate under Captain Pelletier in the bark William, which sailed from Mobile in October, 1860, and was taken by the Haytien authorities at Fort Liberty, in April, 1861. There was no design on any part or portion of the voyage of said William to make her a slaver that came to my knowledge, and I do not believe there ever was any in fact. And it was not possible; I never had any suspicion of it. I know we were on a lawful voyage. Neither myself or any of the crew under the captain would have consented for a moment to the idea, if we had had the least suspicion of such a design. Again, it was not possible. The vessel was in no state of preparation for any such thing, if any person on board had formed any such design. She was not provisioned or prepared for any such thing. It would have been madness to have thought of any such thing under any of the circumstances of the vessel, or with the men on board. The men would have revolted at the idea of turning the voyage to such a purpose, if it had ever been named or hinted.

The Haytien authorities all through the entire proceedings seemed bent on a conviction of the captain and most of the men, without reference to evidence. All the evidence of the captain, and that of the lawfulness of the voyage, was seized by them and suppressed, when the vessel was seized by them and its papers taken. All these were in their hands at the time of the trial, if trial it could be called. The captain demanded the papers to put in evidence before the court when on trial, but they were refused. By these papers the lawfulness of the voyage could be shown, and *his* innocence and *ours* established. The only evidence they had was that of some of

the sailors of the William, who had difficulty at Port-au-Prince, stealing from the vessel William. They were put in prison for their larceny, and did not go on further on the voyage. They were procured to swear against the captain and some of the men. But these same men (all evidence here is taken in writing, to be read in court) afterwards made affidavit that they had nothing to say against the William, its captain, or men; that they were procured to make the statements in evidence they had before the Haytien authorities in hope of reward and their liberté.

There was a man who shipped with us at Port-au-Prince, and was with us at Fort Liberté, when we were taken, told me that one of the Haytien officials, a General La Mothe, offered him 180 gourds [dollars] to testify that Captain Pelletier's design was to steal negroes. He answered that such was not the fact, so far as he had any knowledge of the matter, and he would not swear falsely.

There is one thing more that I must speak of in reference to some trouble on board the William. A passenger and his family by the name of Cortez was taken on board at Carthagena, with some freight belonging to said Cortez. At Grand Cayman Cortez desired to leave the vessel by reason of the sickness of his wife. He and the captain at first had some trouble in settling about passage money and his freight. This was at last amicably arranged, as the United States consulate records at Grand Cayman will show. When the difficulty happened in Hayti with Pelletier, Cortez came to Port-au Prince and complained against Pelletier, that Pelletier attempted injury to his person on board the William, on the voyage between Carthagena and Cayman. This was seized upon by the Haytien authorities, among other things, to convict Pelletier and others of his men.

THOMAS COLLAR.

47 UNITED STATES LEGATION,
PORT-AU-PRINCE, HAYTI, *November* 14, 1862.

Then personally appeared the above-named Thomas Collar

before me, and made solemn oath that the foregoing deposition by him signed is true.

In witness whereof I have hereunto set my hand and affixed the seal of this legation, the day and year above written.

[SEAL.] B. F. WHIDDEN,

United States Commissioner, &c., in Hayti.

Abstract in chronological order of the papers and correspondence touching the case of Captain Pelletier, and the seizure of the American bark William, at Fort Liberty, by the Haytien government.

No. 1.

G. Eustis Hubbard to Hon. William H. Seward.

CITY OF CAPE HAYTIEN, *April* 13, 1861.

Information of the seizure of bark William, by the Haytien authorities, which was apparently on an illegitimate voyage. On the 21st January, 1861, she arrived in Port-au-Prince, where she was suspected to be a slaver; 20 handcuffs, 12 six-barrel revolvers, 4 rifles, 2 kegs of powder, large quantities of provisions, found on board, &c. The matter was arranged, and she left Port-au-Prince on the 20th of February. There were about 20 men on board, of all nations, principally French and Spaniards.

On the 25th March she was seen again from Cape Haytien, where she might have entered the port in a few hours, but she lay off the coast for five days, sometimes anchoring in small inlets. On the 29th March she was passed by an American schooner, and she saluted with the French flag. On the 31st March she anchored at Fort Liberé, where the master reported her to be the French bark Guillaume Tell, of and from Havre to Havana, Captain Jules Letellier; he stated that he had got aground and wished to get workmen to go over there and save a portion of his cargo. One of her sailors escaped and declared that the intention of the captain was to kidnap a num-

ber of Haytiens and sell them into slavery. Captain Pelletier endeavored to escape and got aground. The 4th April the French vice-consul investigated the case, and requested Pelletier, or Letellier, as he called himself, to come on shore and show his papers. The master refused. Next day new summons from the vice-consul of France—new refusal to obey. Finally the captain went on shore, and his papers showed that his name was Pelletier, captain of the bark William, of New Orleans, the same who had been suspected of having been a slaver at Port-au-Prince. Captain and crew were confined in prison. Measures were taken to guard the vessel. On the 6th the captain addressed to the commercial agent of the United States a letter explaining why he had changed his name and the name of his vessel. The above-mentioned agent declined to interfere in consequence of his suspicious actions. The assertions of Captain Pelletier are notoriously untrue. The commercial agent asks information as to the course he should take in case the vessel should be brought to Cape Haytien.

[Additional to No. 1.—Enclosure A—no date.

Affidavit of Isaac B. Gage, master of the American schooner Joseph Nickerson.

On the 22d March he saw on the coast of Hayti a bark, which he describes, without knowing where she was bound, nor from, nor what she was about. Said bark sailed with the French flag.

* * * * * * *

56 *Mr. Seward to Mr. Whidden.*

No. 36.] DEPARTMENT OF STATE,
WASHINGTON, *November* 30, 1863.

SIR: Your despatch, No. 46, has been received, and has been taken into consideration with the papers already in the

department relative to the case of Captain Pelletier. The conclusion reached is that the proof of the citizenship of that person is not sufficient to warrant an interposition in his behalf. But allowing the reverse to be the fact, his conduct in Hayti and on its coasts is conceived to have afforded the reasonable ground of suspicion against him on the part of the authorities of that republic which led to his arrest, trial and conviction in regular course of law, with which result it is not deemed expedient to interfere.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BENJAMIN F. WHIDDEN, Esq., *&c.*, *&c.*, *&c.*

Mr. Whidden to Mr. Seward.

No. 65.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *May* 7, 1864.

SIR: Agreeably to printed instructions I send herewith enclosed copies of all notes and answers of the miscellaneous official correspondence of this legation down to *this date.*

They are numbered from *one* to *thirty-eight* in series, agreeably to the direction in your circular No. 33.

I have the honor to be, sir, your most obedient servant,

B. F. WHIDDEN.

Hon. W. H. SEWARD,
Secretary of State, &c., &c.

Mr. Ruggles to Mr. Whidden.

No. 21.] CONSULATE OF THE UNITED STATES OF AMERICA,
KINGSTON, JAMAICA, *March* 3, 1864.

SIR: Captain Antonio Pelletier, who escaped, as you are aware, from imprisonment at Port-au-Prince and came here,

remains yet in this place. I have had occasion to render him some service in authenticating documents, and have be-
57 come partially acquainted with the history of the apparent wrongs and outrages suffered by him in Hayti. I understand that he has to apply to me to make or to forward a representation to the government of this island in relation to the Haytien Government having assumed jurisdiction of alleged criminal offences charged to have been committed at Grand Caymans, a dependency of Jamaica. Perhaps other official action may be required of me in his behalf.

While I desire to do everything in my power rightfully to aid him as an American citizen, and at the same time feel a strong prepossession in his favor, I cannot shut my eyes to the fact that the treatment he was subjected to in Hayti, according to his own account, was so inhuman and outrageous as to be almost incredible.

I, therefore, take the liberty to ask you to inform me, as briefly as you please, how you regard the merits of his case as against the Haytien government, and whether that government presents any justification or excuse for its course against him. Your answer to this inquiry, as clear as you feel at liberty or inclined to give it, will greatly oblige me.

* * * * * * * *

I am, sir, your obedient servant,

F. H. RUGGLES,
United States Commissioner.

Hon. B. F. WHIDDEN.

Mr. Whidden to F. H. Ruggles.

No. 22.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *March* 15, 1864.

SIR: Yours of the 3d instant is just received. The case of Captain Pelletier I have heretofore had occasion to investigate very thoroughly, and have reported it very fully to our gov-

ernment. While in prison he suffered very much from lack of the necessaries of life, and also from sickness. I procured his removal from Cape Haytien to Port-au-Prince, and afterwards from the prison to the hospital, in this city, on the certificate of attending physicians of his failing health. Prisoners in this country are treated with cruelty, and often subjected to great indignities and cruel privations. While he was here, I did everything that justice, and even humanity, seemed to call for in his case. Our government has taken his case into consideration upon very full testimony furnished, and upon a very clear statement of the facts made to the department at Washington.

Enclosed I send you a copy of a despatch (No. 36) sent to me upon the result of their examination into his case.

From previous despatches from Washington, I conclude that his conduct between here and Fort Liberty, the place where he was finally arrested, was sufficient to warrant their conclusion, aside from what took place between Crand Cayman and here.

You can, if necessary, communicate the substance of despatch No. 36 to Captain Pelletier, but for government reasons I desire it may stop there.

* * * * * * * *

I have the honor to be, sir, your most obedient servant,

B. F. WHIDDEN.

F. H. Ruggles, Esq.,
United States Consul, Kingston, Jamaica.

---

58 *Mr. Whidden to Mr. Seward.*

No. 66.] Legation of the United States,
Port-au-Prince, *May* 7, 1864.

Sir: Agreeably to printed instructions, I send herewith enclosed copies of the notes and answers in the correspondence

between this legation and the Haytien government since that furnished in my despatch No. 18, down to May 3, 1864.

* * * * * * *

I have the honor to be, sir, your most abedient servant,

B. F. WHIDDEN.

[Enclosures to No. 66.]

Mr. Whidden to General Dupuy.

No. 1.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *March*, 31, 1863.

SIR: I am informed that the case of Captain Antonio Pelletier has been revived in the court of cassation, in this city.

As this matter is nowunder advisement on the part of the United States, for the purpose of specific instructions to this legation in order to an amicable adjustment, I trust no new object will arise to embarrass the case.

The question of law transferred to the court of cassation, and which under the laws of his country should have been passed upon immediately, has rested, as I supposed for the purpose of a settlement of the case by the authorized agents of the two countries.

To revive this matter now, after so long silence, and while it is in the hands of the diplomatic agents of the two countries for arrangement, would increase the breaches already made in international law, and render the whole case more difficult of adjustment.

Before pursuing the subject further, I respectfully await your construction of these proceedings, the news of which has just reached me.

Accept, &c.

B. F. WHIDDEN.

General A. DUPUY,
Secretary of State for Foreign Relations, &c., &c., &c.

General A. Dupuy to Mr. Whidden.

No. 2.] OFFICE OF FOREIGN RELATIONS,
PORT-AU-PRINCE, *April* 4, 1863.

Mr. COMMISSIONER: I have received your despatch of the 31st of March last, by which you notify me that the case of Mr. Pelletier has just been brought before the tribunal of cassation, and that, as the United States are now considering this subject, in order to give you some specific instructions with the view of an amicable arrangement, you hope no new obstacle will arise to embarrass the case.

While waiting, sir, that you may receive the instructions you expect from your government, and which will place you in a condition to represent this affair in accordance therewith,

59 I do not see how any decision given by the court of cassation in this case can create any such difficulties as you seem to foresee, which, of course, the Haytien government would very much desire to avoid.

Further, I may say that it is a mistake to suppose that the tribunal of cassation has delayed its action in this case with a view of leaving the determination of it to the authorized agents of the two countries. This government cannot intervene to suspend the action of the court, if indeed this is asked, as it appears, by Mr. Pelletier.

Receive, &c. A. DUPUY.

Mr. B. F. WHIDDEN.

Henry Conard to General Damier.

No. 6.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *August* 10, 1863.

SIR: From a letter which I have received from Captain Pelletier, he reports himself to me as being almost destitute of clothing, and stating he has and does still suffer severely from this destitution; he states also that when committed to prison in this republic he had an ample supply of all descrip-

tions necessary, but that nearly all was stolen from him; also, that since being confined in the prison he has seen other prisoners wearing his own clothing, and that when he made complaint of same to the director of the prison, no satisfaction or restitution was made to him. In view of this, and that every prisoner's clothing should be held sacred to him and for his use, I request that after investigating the affair, if finding his destitution to be as he represents, you will cause him to be provided with such articles of clothing as are necessary for his health and comfort.

With the assurances of my high consideration of your sense of justice, I have the honor to be, sir, your most obedient servant,

HENRY CONARD,
Secretary in charge of the Legation.

General DAMIER,
Secretary of State in charge of Foreign Relations, &c.

[Translation.]

General Damier to Mr. Conard.

No. 7.] DEPARTMENT OF FOREIGN RELATIONS,
PORT-AU-PRINCE, *August* 29, 1863.

SIR: By my letter of the 20th instant I informed you that I had communicated to my colleagues of justice and of the interior the letter you addressed me on the 10th instant, on the subject of Antonio Pelletier.

It appears from the examination made by my colleagues that the alleged larceny, of which Pelletier complains as having been done to his prejudice, has never had existence.

The information we received on the subject makes it appear that the charges made by him are destitute of foundation. In confirmation of this I enclose a copy of the report of the commissaire du gouvernement before the civil tribunal of this jurisdiction to my colleague of justice.

Receive, I pray you, sir, the renewed assurance of my high consideration.

The Secretary of State for public instruction, charged *par interim* with the department of foreign relations.

DAMIER.

Mr. HENRY CONARD,
Secretary in charge of U. S. Legation, Port-au-Prince.

---

60 *Mr. Whidden to Mr. Seward.*

No. 70.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *May* 31, 1864.

SIR: The documents relating to Captain Pelletier's case in the enclosed envelope were received through the mail at this legation after the case to which they refer had been settled at Washington, as per despatch to me No. 36. I send them to Washington, as they are not wanted here.

I have the honor to be, sir,
Your most obedient servant,
B. F. WHIDDEN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Deposition, &c.

KINGSTON, JAMAICA, *November* 30, 1863.

We, the undersigned magistrates and shipmasters of the Grand Caymanas, do hereby solemnly declare that we have this day attended at the consulate of the United States at this place, and that we have had read to us the affidavit of William Eden, jr., detailing the proceedings of Captain Pelletier of the bark William and his passenger Juan Cortez at that place in December, 1860, and we further declare that its contents are just and true in every particular. We also declare that if any one has sworn that Captain Pelletier has been guilty of piratical conduct there he has sworn falsely, as, during the whole

time of his being at the Grand Caymanas, the most friendly relations appeared to exist between him and Juan Cortez, his passenger. And we were all horrified at hearing of his condemnation in Hayti for anything that had transpired at that place between them. We also solemnly declare that as magistrates and British subjects it would have been our duty to have arrested any one visiting our shores who might be accused of piracy, and to have forwarded him to Port Royal for trial, and that we would fearlessly have performed it had there even been valid reasons for suspecting that any improper proceedings had taken place in that instance.

JOHN JENNETT,
WM. ROBERT BODDEN,
ROBERT THOMSON,
Shipmaster.
JAMES B. COE, *Shipmaster.*

CONSULATE OF THE UNITED STATES OF AMERICA,
KINGSTON, JAMAICA, *November* 30, 1863.

I, the undersigned, consul of the United States for the port of Kingston, Jamaica, and the dependencies thereof, do hereby certify that the above-named John Jennett, William Robert Bodden, Robert Thomson, and James B. Coe, this day appeared before me and severally subscribed the foregoing declaration and made solemn oath that the same is true.

Given under my hand and the seal of the said consulate the day and year above written.

[SEAL.] F. H. RUGGLES,
U. S. Consul.

61 KINGSTON, JAMAICA, *November* 30, 1863.

I, John Bernard, holding a commission under the Queen as magistrate at the Grand Caymanas, do hereby solemnly swear that I remember Captain Pelletier coming to that place on or about the 18th of December, 1860, and that I was employed by Mr. William Eden, jr., to transfer some cargo out of the bark

William, belonging to Juan Cortez, to a schooner of his, William Eden, of which I had the command, (the Caspian ;) but finding that the goods were damaged by sea water, I reported the fact to him, as I understood at the time that he was depending on the sale of the goods in this place on their arrival (Kingston, Jamaica,) for the reimbursement of a sum of $500 that he was to pay Captain Pelletier for M. Cortez, as also for $250 passage-money of Cortez and his family.

The goods were subsequently put up at public sale, but bought in by M. Eden, at the request of Cortez and Pelletier, as they did not approve of the price offered, and they were subsequently bought by Captain Pelletier, who resold a portion of them to M. Eden.

On the 25th or 26th December I left the Grand Caymanas with such goods as M. Eden had bought, together with Cortez, his wife, and family, for this place, where we duly arrived, and the goods were sold here by Mr. Owelt, Mr. Eden's brother-in-law.

Mr. Cortez never made any complaint of Captain Pelletier's conduct; on the contrary, they always appeared in most friendly terms; nor did he make any claim on the goods which came with him and which he saw sold here, although he might easily have done so if they had been improperly obtained from him.

I also solemnly declare that the interpreter, Domingues, who was hired by Cortez to accompany us to this place, (Kingston,) repeatedly told me that Cortez had often expressed his satisfaction at the treatment that he had experienced from Captain Pelletier, who he said had in all their transactions behaved like a perfect gentleman.

JOHN BERNARD, *J. P.*

CONSULATE OF THE UNITED STATES OF AMERICA,
KINGSTON, JAMAICA, *November* 30, 1863.

I, the undersigned, consul of the United States for the port of Kingston, Jamaica, and the dependencies thereof, do hereby

certify that the above-named John Bernard this day appeared before me and subscribed the foregoing declaration and made solemn oath that the same is true.

Given under my hand and the seal of the said consulate the day and year above written.

[SEAL.] F. H. RUGGLES,
U. S. Consul.

Deposition of William Eden, jr.

KINGSTON, JAMAICA, *November* 30, 1863.

I, William Eden, junior, of the Grand Caymanas, do hereby solemnly declare that the following facts relating to the transaction in consequence of which I have heard that Captain Pelletier, of the bark William, was condemned to death in Hayti, and his vessel and property confiscated, are just and true:

On or about the 18th of December, 1860, the bark William arrived at the Grand Caymanas, having on board as passenger one Juan Cortez, his wife, child, and servant, and as soon as she came to an anchor the captain and Cortez presented themselves before me (in my official capacity as acting vice-
62 consul of the United States, in the absence of my father, Mr. William Eden, senior) at the consulate of the United States in that island. The captain stated that they came to note protest, to the effect that in consequence of bad weather, loss of anchor, and the expected confinement of Mrs. Cortez, the vessel could not proceed to her destination, (Rio Hacha,) and was, therefore, obliged to put into port for the purpose of making arrangements to send Mr. Cortez, with his wife and family and merchandise, on to Jamaica, which facts appearing in due form in the ship's log-book, and were fully stated in the protest which was subsequently extended and signed as usual by part of the crew and the officers of the said bark.

Mr. Cortez and his family then took lodgings at the house of a friend of mine, Mr. Parsons.

The next day the captain presented his account for freight and passage money through me, amounting to $500, and Cortez stated that it was quite correct, but that he could not pay it, as he had then no funds at his command; and I consequently entered into arrangements with them to advance the money to pay Captain Pelletier the $500 due him, and to transfer Cortez's goods on board of one of my schooners, (the Caspian,) and to transport them, together with him, his wife and family, to this place (Kingston, Jamaica,) for the sum of $250—making in all $750 to be paid to me out of the proceeds of said goods on their arrival here.

I then sent an express to the other side of the island for my vessel, where she was laying, and the next day she came up and went alongside of the bark William and commenced transferring cargo.

After beginning the transfer, the captain of my schooner came and informed me that the goods appeared to be much damaged by sea water in consequence of the bad weather that she had experienced, (tobacco, corn, soap, and mattings,) and I, therefore, gave orders to stop the transfer, as I feared from the perishable nature of the goods that they might not realize sufficient on their arrival here at Kingston to liquidate the amount ($750) due to me. The goods that had already been put on board my schooner were consequently retranshipped to the bark William.

It was then arranged with me by Cortez and the captain, as the latter was suffering in consequence of the detention of his ship, that I should put the goods up at public sale to realize the amount required; and I consequently publicly notified all on the island that such sale would take place at a certain time on board of the bark William.

Both Cortez, the captain, and myself were present at the sale, as also most of the respectable people in the island; but as the prices offered did not realize the expectation of the two parties, at their request I stopped the sale, having bought in for them such goods as had been actually put up. Captain

Pelletier then bought the goods from Cortez, in my presence, for the sum of $1,000, (being double the amount of the prices offered at auction,) and the matter was satisfactorily settled between them, Captain Pelletier deducting the amount due him for passage money, &c., and paid me in French 5-franc pieces $250, the sum that Cortez agreed to give in consideration of my sending my schooner with him and his family to this place.

The bills of lading were to my knowledge made out in the name of Cortez, and the goods marked C.

The said bills were duly cancelled in my presence, and Cortez made an affidavit before me, in my official capacity as deputy vice-consul of the United States, swearing that the goods were bona fide his property, and that no other person had any claim on them whatever, either directly or indirectly.

I then made out in my official capacity the bill of sale and all the necessary and usual documents connected with the transaction, and after having had them properly translated and explained to Cortez by the public interpreter (Dominiques,) I attached, with his assent, my consular seal of office to them.

63 This transaction detained the William at the Grand Caymanas for about a week.

The William sailed on the evening of the 24th of December, and during the whole time of her stay the most amicable relations appeared to exist between Captain Pelletier and Mr. Cortez. The latter made no complaint whatever of the captain's conduct towards him and his family, and they spent the evening of the sailing of the William in my house, partook of refreshments together, and shook hands and parted on friendly terms.

On the 25th or 26th Cortez sailed for Jamaica with his family in the Caspian, (my schooner,) which vessel took also, with the knowledge of Cortez, a large portion of his goods, which I had rebought from Captain Pelletier.

These goods were duly sold on my account on their arrival

here in Kingston, and Mr. Cortez stayed here for some time and never made any complaint as regards anything that had transpired between him and Captain Pelletier, at least not to my knowledge, although, being in a British port, he might have claimed his goods and sought redress if he had suffered ill treatment, or if they had been obtained from him by improper means.

To the horror of almost every one in the Grand Caymans, it transpired that Captain Pelletier had been condemned to suffer death at Port-au-Prince Hache, in consequence of Cortez having sworn that Captain Pelletier had committed an act of piracy by obtaining forcible possession of the goods in question, and by putting Cortez on shore at the Grand Caymanas against his will and with force of arms.

I, therefore, hereby distinctly and solemnly declare, in my official capacity as the then acting vice-consul of the United States at the Grand Caymans, that if Cortez swore to such statements he has committed wilful and cruel perjury, which could have been of no effect if the official documents before alluded to, with which I supplied Captain Pelletier, had been produced in court at his trial.

I further declare that all the hereinbefore mentioned facts are fully known to the authorities and most of the inhabitants of the Grand Caymans who attended the sale, and that affidavits have been made and can be procured in corroboration.

I have been informed that in consequence of this transaction Captain Pelletier has suffered nearly three years' imprisonment and ill-treatment and torture of the most savage nature, from which he has just escaped, ruined in health, future prospects, and reputation; but I solemnly declare that to my most certain and positive knowledge, so far as this transaction is concerned, he is a perfectly innocent man, and, therefore, clearly entitled to the protection and support of his government.

I further declare that on hearing of his incarceration and of the disappearance of all his papers, my father (who had

then returned to the Grand Caymanas) immediately forwarded, through the vice-consul of the United States here, to Mr. Webb, the commercial agent of the United States at Port-au-Prince, duplicates of all the documents connected with this transaction, accompanied by affidavits fully detailing all the foregoing facts. He sent these papers about two years ago, but they appear to have produced no effect on the Haytien government in favor of Captain Pelletier.

WM. EDEN, JR.

CONSULATE OF THE UNITED STATES OF AMERICA,
KINGSTON, JAMAICA, *November* 30, 1863.

I, the undersigned, consul of the United States for the port of Kingston, Jamaica, and the dependencies thereof, do hereby certify that the above-named William Eden, jr., who is personally known to me, and known to [illegible] a person of
64 high respectability of character, appeared before me and subscribed the foregoing declaration and made solemn oath that the same is true.

Given under my hand and the seal of the said consulate, the day and year above written.

[SEAL.] F. H. RUGGLES,
United States Consul.

Mr. Seward to Mr. Whidden.

No. 46.] DEPARTMENT OF STATE,
WASHINGTON, *June* 9, 1864.

SIR: I enclose a copy of a letter addressed to me yesterday by Captain Pelletier relating to documents of an important character which we expected to find here, but which have never been received.

He has shown me a letter from your clerk, D. M. Lewis, dated 30th December last, which states that the papers referred to had been forwarded from your office to the depart-

ment. They may, possibly, have gone astray; and yet your series of despatches is regular and uninterrupted. I have to request that you will, as soon as possible, forward the papers referred to, either in original or copy. Captain Pelletier being now here engaged in a preparation of his memorial, it is desirable that all the available evidence should be before the department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

B. F. WHIDDEN, Esq., *&c.*, *&c.*, *&c.*

Mr. Pelletier to Mr. Seward.

PROVIDENCE HOSPITAL,
WASHINGTON, *July* 16, 1864.

SIR: I beg leave to present herewith—

A.—Printed memorial.

B.—Certificate of naturalization.

C.—Affidavit of Captain Matthew Stubbs.

D.—Affidavit of Robert Thomson.

E.—Affidavits of John Yates and F. H. Thomson.

F.—Letter from Mr. Linstant Pradine to A. Folsom, United States commercial agent at Cape Haytien.

G.—Letter from Joseph M. Lewis, former United States commercial agent at Port-au-Prince, to W. W. Wilson.

H.—Affidavit of William W. Wilson.

I.—Affidavit of G. H. Mercer.

K—1, 2, 3, 4, 5, 6, 7.—Affidavits of L. W. Tenelli, Joseph McMurray, A. Wellington Hart, A. F. Fararger, Jesse H. Pomeroy, H. King, and Marcus Ball, as to character.

L.—Affidavit of Joseph N. Lewis.

M.—Certified copy of the act of condemnation.

N.—Piece of broken copper pintal.*

These, with the other proofs in my case, are submitted for

---

*The piece of broken copper pintal is at the Department of State.

the information of the department, with the hope that they will be found satisfactory, though other and additional affidavits can, as stated in the memorial, be furnished, and will be if required.

I am, very respectfully, your obedient servant,

ANTONIO PELLETIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

---

65 A.

MEMORIAL OF ANTONIO PELLETIER.

To the Hon. William H. Seward, Secretary of State:

The memorial of Antonio Pelletier, an American citizen, a native of France, duly naturalized in the United States, respectfully represents: That your memorialist has suffered grievous wrongs from the Government of the Republic of Hayti, countenanced and aided by G. E. Hubbard, commercial agent of the United States at Cape Haytien, in said republic, during the year 1861, the said wrongs consisting of a protracted and oppressive imprisonment, and consequent injury to health and constitution, a pretended conviction of infamous crimes, in disregard of law and without evidence, and spoliation of property to a large amount.

The undersigned will proceed to narrate the particulars of said wrongs, and the circumstances leading to and connected therewith.

In August or September, 1860, I purchased, through the agency of a Mr. Packer, at a public sale by the United States marshal at Key West, under authority of the United States court, a condemned slaver, known as the bark William, a vessel of about 400 tons, said Packer bidding off the said vessel and taking the title to her from the marshal, under instructions from me, and then conveying her to me. The price paid to

the marshal for the said vessel was, as nearly as I recollect, something over $10,000. After the purchase some person, supposed to have been employed by Vidal, the former owner of the bark, ran away to sea in her, with the deputy marshal on board, and she was pursued by the United States authorities and by myself in a hired schooner, and retaken and brought back, and a large sum had to be paid as salvage, which, with some necessary repairs and refitting before she could leave Key West, commissions to Mr. Packer, and other incidental expenses, made the whole bills for her purchase and such expenses before leaving Key West some hundreds over $16,000.

I then took the said bark to Mobile, where I made extensive alterations and repairs on her, and transferred the title to her to Mr. E. Delaunay, of the firm of Delaunay, Rice & Co., of New Orleans, cotton merchants, in which firm I was a partner, which transfer was made for the purpose of procuring a New Orleans register, I retaining the actual ownership, and taking from Mr. Delaunay a full and irrevocable power of attorney to control and dispose of said vessel as I pleased. The vessel cost me, when all her repairs and alterations were complete, about $30,000, as near as I can recollect, and she was worth at that time, according to the current value of ships, full $35,000.

I furnished the said bark luxuriously, and put on board stores of costly wines and preserved meats of all kinds that can be kept for a length of time at sea; for, being at that time rich and prosperous, I designed to visit several ports where I had formerly navigated when poor, and where I had friends who I believed would rejoice in my prosperity, and among whom I wished, at any rate, to exhibit the evidences of my success.

I provisioned the bark, aside from the luxuries above-mentioned, for three months.

I purchased and put on board a full cargo of about 200,000 feet of pitch pine lumber, sawed to my order to fill a contract I had in New Granada, being all timber, eight inches square, and plank four inches thick. For this lumber I paid $18 a thousand, being $2 extra on account of the special quality of

the lumber. I took also 36 barrels of ship bread to fill an order from Mr. Joseph Brandon, a merchant of Carthagena, which I delivered to him at that port and received my pay.

I shipped a crew of fourteen besides myself, including cook, steward, and clerk, and cleared from Mobile for Carthagena, and sailed in October or November, 1860, and arrived at said port in November aforesaid.

I had on board in money 36,000 French 5-franc pieces, $3,000 in American gold double eagles, and about $2,000 in Spanish American gold ounces and fractions of ounces. The French silver coin I took because in New Granada 5-franc pieces passed for dollars, and I meant to buy gold dust of Antioquia, which would yield me a further profit of about 10 per cent. at the United States mint.

At Carthagena I found the country in a state of revolution, which prevented the carrying out of the contract under which I had brought my cargo of lumber to that port. I consigned my vessel and cargo to Mr. Albert Mathieut, United States consul, and acted under his advice. I bought $32,000 worth of gold dust at $250 a pound, and paid for it 32,000 French 5-franc pieces. I bought $1,000 or $1,200 worth of Panama hats of fine quality, and paid in the same coin. I sold 20,000 feet of my lumber at $40 a thousand, and left 14,000 feet with Mr. Mathieut for sale, which he has since accounted for. I sold of my provisions and private stores about $1,500 worth, and bought $800 worth of pearls. I stayed there about two weeks, and then cleared for Rio de Hache, taking a pilot and a boy and one Binar, a colored man, a political refugee of the conservative party of New Granada, and Juan Cortez, with his wife, child and servant, as passengers. Said Cortez had on board, as freight, 43 bales of tobacco, 100 boxes of soap, 100 bags of corn, and a few common mattings, of about $1,000 or $1,500 value altogether, under agreement to pay $500 for passage of himself and family and freight to Rio de Hache, and engaging to effect a sale of the remainder of the lumber on board at $40 a thousand at that place. The goods so

66 shipped by Cortez were marked in a diamond [J. C.], and were represented by said Cortez to be his property, and I signed bills of lading to him for the same, and did not know or hear or suspect that any other person had any interest therein.

I sailed from Carthagena for Rio de Hache early in December. At that season of the year strong northeasterly winds prevailed on that coast during the day, and a land breeze usually blows at night from a southerly or southwesterly direction. It is therefore customary for navigators bound eastwardly to anchor during the day, (as strong southwesterly currents prevent the possibility of beating against the wind,) and take advantage of the land breeze at night to make progress on the voyage. Unfortunately, on the first day of my voyage I lost my best bower anchor and chain, and could not afterwards pursue the course above described to get forward on the voyage. I was obliged to get far out northward to sea, and encountering heavy gales from the northeast for several days, and losing the benefit of the land breeze entirely, I got far out of my course for Rio de Hache, and Cortez became very much frightened and apprehensive about his wife, who was in a delicate state, and insisted that I should go into the first accessible port, and land him and his family and effects, threatening to prosecute me for damage if anything should happen to his wife. I made strong efforts to reach Jamaica, but finally, when well to windward of the island of Grand Caymans, yielding to the importunities and threats of Cortez, I put into that island, where I arrived about the 17th of December. The threats made by Cortez were of resort to legal prosecution for damages if his wife suffered from being kept at sea, and were made without violence or anger. Arriving in the evening, I immediately went with Cortez to the American consulate and noted my protest, consigned my vessel to Mr. Eden, acting consular agent of the United States, and procured Mr. Eden's aid to find quarters for Cortez and family, which we succeeded in doing, and the next morning

Cortez and his family debarked, and I furnished him gratuitously from my private stores such delicacies for the use of his wife as would be grateful to her, and could not be procured on the island. I then applied to Mr. Eden, as my consignee, to settle with Cortez, and have him take his goods from the ship, furnishing Mr. Eden with my account against Cortez, which he admitted to be correct, but said he had no money, and proposed to Mr. Eden to take the goods into a vessel of his own, and pay me my bill, and take him (Cortez) and family and goods to Jamaica, and reimburse himself for his advance to me, and the passage and freight, out of the proceeds of the goods. An arrangement to this effect was entered into, and one of Mr. Eden's schooners was brought alongside of my ship, and the transfer of the goods commenced, when a portion of the property was found to be damaged by sea water in the rough weather we had experienced, whereupon Mr. Eden declined to carry out the arrangement, thinking all the property would not be sufficient to pay my bill. It was then agreed, on the suggestion of Cortez, to sell the goods at auction, or sufficient of them to pay me and get him to Jamaica. Mr. Eden therenpon gave notice in the three towns on the island, and an auction was held on my bark at noon the next day. The bids were unsatisfactory to Cortez, and at his request Mr. Eden purchased in all the goods for him. Cortez then besought me to buy the goods, offering me the whole for $1,000, which I finally agreed to give, to get the business closed, though it was more than I thought the goods then worth. Mr. Eden, acting for me, paid Cortez, after satisfying my bill of $500, in five-franc pieces which I furnished from on board, adding enough to make them equal to Spanish dollars. Cortez made an affidavit before the consular agent that he was the sole owner of the goods, gave me a regular bill of sale, and cancelled the bills of lading I had signed, before the said consular agent, who gave me a certificate of the whole transaction under his official seal. I took these precautions because of having been driven from my reg-

ular destination, and being obliged to make this settlement at another port. I extended my protest at the consulate in the presence of Cortez, which was signed by myself and the officers and some of the crew of the bark, a certified copy whereof is now in the hands of Mr. Whidden. All the papers connected with these transactions were interpreted by a sworn interpreter to Cortez in the Spanish language, an affidavit whereof is also in the hands of Mr. Whidden. I then sold to Mr. Eden the corn and soap bought of Cortez, the corn at 75 cents a bag and the soap at $1 a box, making $175, which property was shipped by Mr. Eden on the same schooner on which he took Cortez and family to Jamaica. I purchased an anchor and chain of Mr. Eden and some provisions, sheep, turtles, and vegetables. I then cleared my vessel regularly for Port-au-Prince, in Hayti.

The last evening spent at Grand Caymans was spent by me in the company of Cortez and his wife, and several magistrates and respectable persons of the island, at the house of Mr. Eden, where we had supper together, and took leave and parted in a friendly manner. A portion of my crew were rowdies and highbinders, such as are in general only to be found in southern seaports, furnished to me by a shipping master at New Orleans, who forwarded them to me by steamboat at Mobile, without my knowing anything of their character, and it being, at the time of my clearing my vessel, the 24th of December, they wished to spend Christmas at Grand Caymans, and have a spree, which I, having learned their character, and knowing that they would be disorderly, and perhaps violent, determined they should not do. So after supper I went on board and ordered them to make sail, which finding them slow to perform, I procured a number of hands from the port to get my vessel under way, and sailed on my voyage at the end of the evening of December 24.

I had on my vessel a woman and a sailor who were
67 very ill, and in great want of medical aid, and as my course brought me near Cienfuegos, in Cuba, just as the

said sailor was prostrated with a severe attack of hemorrhage of the lungs, I put into that port and lay in the lower bay for several days, and received a physician on board, who rendered such relief to the sick persons as was practicable. I was put in quarantine for three days, after which I called and reported my ship at the United States consulate according to law. My whole delay there was six days, doing no business but to procure medical aid as aforesaid, and I then proceeded on my voyage, and arrived at Port-au-Prince some time past the middle of January, 1861

I at once called on Mr. Lewis, commercial agent of the United States, deposited my papers in his office, and by his advice consigned my vessel to Messrs. Mary and Hasmouth, merchants. Being unwell I took lodgings on shore at a hotel. The day after my arrival my consignees, as soon as the regular entry at the custom-house was made, sold the powder I had on board, two kegs, to the government, and it was forthwith landed. They then sold the tobacco, which was also debarked. I also sold eight pistol revolvers, Colt's patent, all that were on board except four, to Mr. Figaro, hotel-keeper, and delivered them to him. They then sold the lumber to the son-in-law of President Geffrard for the government, as I understood, and the unloading thereof was commenced. Before this I had put the sailor who was sick at Cienfuegos, Charles Devoe, on shore, to be doctored, but he shortly afterwards died. While the debarkation of the lumber was proceeding, which was a slow process, as it had to be done by rafting the lumber ashore, as soon as it was low enough in the hold to give access to the bulkhead separating the hold from the run or store-room, where my private stores were placed, some of the disorderly men of my crew in the night cut through the bulkhead and stole liquor and got intoxicated and destroyed a large quantity of costly wines and stores, and became violent and threatened the lives of my mate and the custom-house officer who was on board, which latter, with Binar, the refugee passenger, who was still on board, fled from the ship for safety. The mate

shut himself in his state-room. The disorderly sailors then began to saw into the cabin for the purpose of robbing me of the treasure on board, and got in a fight among themselves, in which one was severely wounded with a knife. In the morning the mate escaped and came on shore and gave me information of these proceedings, whereupon I applied to Mr. Lewis, who procured force from the authorities and arrested five of the sailors who were known to be active in the stealing and mutiny, and lodged them in prison.

In the evening Binar came to me, as I was sick in bed, and said he wished to get back to the Spanish main, and asked me for money to pay his passage. I told him I did not feel under any obligation to give him any money or further help; that I had done a good deal for him on account of his family; paid a portion of his debts in Carthagena, and brought him out of the country, where he was in danger, without charge; and besides, that his conduct had not been satisfactory, as he had been gossiping and contracting intimacy with the sailors, who had proved a bad set of men. He said there were some whom I protected that were worse than he, and if I did not give them money would help themselves. He said Castay, my clerk, had extracted gold dust from some of my packages by making a small hole in the corner of each, through which he could shake out the dust. I indignantly told him that I did not thank him for such information; that I had full confidence in the integrity of the young man Castay, and did not wish him to try and play the part of a spy, and as he had done so, did not wish him to remain longer on the ship. He went away angry and threatening, and the next morning I received from him a letter stating that as I had ordered him off my vessel I must provide for his maintenance, and demanding $100 immediately, threatening that if I did not send it he would make it cost me a larger sum. He demanded an immediate answer, saying he would not wait longer than till 12 o'clock. I showed this letter to Mr. Lewis and to Messrs.

Delandes and Linstant, legal gentlemen with whom I was acquainted, who all advised me to pay no attention to it.

This was the beginning of my trouble with the Haytien Government. Binar the same day, as I afterwards learned, accused me to the authorities of being a slaver, making many false statements as to my cargo, arms, ammunition, &c., almost all of which had already been sold to the government and to persons in their confidence, precluding the possibility of their use by me for unlawful purposes if I had had any such design, and the property had been applicable for such use. At ten o'clock that night I was notified by my mate that a large force of armed police were on board the bark, breaking open boxes and closets, and doing wanton damage. Sick as I was I rose and repaired on board, where I found Carrie, the military commander of the place, the attorney of the government, J. J. Lilavois, the captain of the port, and the commander of police, with a force of about thirty armed men. I asked them what they were doing there, and by what authority they were on board my vessel. They answered that they were acting under superior orders. I asked if they had permission from my consul. They said they had not. I then told them if they did not immediately leave my ship I should abandon her into their hands, as it was unlawful for them to be there without the written permission of my consul. They had collected together, as evidences of my guilty intentions, three hunting guns, half pound of powder, some cartridges of small shot for bird hunting, and eight pairs of handcuffs which I had provided to enforce discipline among the crew. These things they proposed to take away, but I forbid their removing anything, and they finally left the ship without taking them. I then instructed my mate that if they returned he should
68 spread the American flag over the side ladder and notify them thereof, and forbid their coming on board, and if they persisted and boarded the ship, trampling over his flag, he should abandon the vessel with the crew, and come to me with the men at my hotel.

About half-past 11 o'clock, Carrie returned to the bark with his posse, when my mate, following my instructions, spread the American flag over the side ladder, notified them of the same, and forbid their coming on board. Carrie, notwithstanding, led his posse up the ladder on board the bark, trampling upon and tearing the flag, saying to my mate, "What do you suppose I care for the American flag? The Americans are a nation of pirates and thieves." My mate, Thomas Collar, then collected the crew together, and came ashore with them, bringing the flag, in my two quarter boats, arriving at my hotel about midnight. I took the crew at that late hour to the house of Mr. Lewis, commercial agent, and noted my protest before him, and he afforded my crew shelter for the remainder of the night, and directed me to come back in the morning. In the morning on my call at the commercial agency, Mr. Lewis sent to the minister of foreign affairs a notification of my protest, and a letter recounting the proceedings on board the bark, and stating that I had been obliged to abandon the vessel, with a large amount of property, money, and bullion on board, and that the government of Hayti would be held responsible for the same, and for all damages, and that the flag of the United States had been trampled under foot, and he should demand from the government of Hayti reparation for the insult. The minister for foreign affairs answered Mr. Lewis that it was a proceeding of the police, and he knew nothing of it; and soon after an invitation came to Mr. Lewis to call upon the president, which he did, taking me and my clerk, Castay, with him.

The President stated that the proceedings on board my vessel were unknown to him, and he had just learned something of the matter from the minister for foreign affairs, and he sent for General La Motte, minister of police, who came, and the President reprimanded him for proceeding in such a matter without direction or consultation, saying he was in the habit of getting into difficulty. He then said to me he hoped I would take my vessel back, which I declined to do. The

President then addressed Mr. Lewis, and on General La Motte interposing some words, he cut him short, saying that he, Geffrard, was the President, and ought to have been consulted, and that he, La Motte, was always getting the republic into trouble, and threatened to degrade him from his position. La Motte answered that what he had done was right, and he would prove it so to the President hereafter. The President then proceeded in his conversation with Mr. Lewis, and it was agreed between them that I should take my vessel back, and that the President would pay the damages I had sustained, to which I, by Mr. Lewis's advice, assented.

After this I sent my mate to take possession of the ship, but La Motte kept some of his troops on board, against which Mr. Lewis remonstrated, and at last I had to call upon the President personally, who exhibited much anger against La Motte, and wrote a peremptory order to have the troops removed, which was at last done at the end of four days, and I took possession of the bark. All these matters having become well known among the shipmasters in port, there was a general expression of gratification among them when I finally resumed possession of my ship, every foreign vessel in port displaying the American flag at the fore. This manifestation was highly distasteful to the Haytiens, who assumed that it was prompted by me, (which was not true,) and the President and Plaisance, minister of foreign affairs, and General La Motte said to Mr. Delandes in great anger that I should some day atone for such an insult.

I then had my mate, steward, clerk, and boatswain make out accounts and statements, each in his separate department, of the damages committed on the vessel by the police in their unauthorized visitation, which statements they severally made and swore to before the commercial agent. These statements showed that a large portion of the provisions of the ship had been removed, rigging cut, sails destroyed, a new topsail set on fire, furniture of the cabin broken to pieces, the steward's pantry broken open, and all the crystal and some silver ware

stolen, and much wanton injury committed, making the whole damages amount, according to the proof so made, to $6,200, and something over. These accounts and proofs were placed in the hands of Delandes, a lawyer, to call upon the President and receive payment. The President complained to him that the amount was too large, notwithstanding the sworn statements of the particulars were exhibited to him, and at last gave Mr. Delandes $2,000 to pay to me, which sum he brought and offered to me, and I, by advice of Mr. Lewis, who had been on board and seen the devastation, declined to receive. Mr. Delandes had another interview with the President, taking a communication from Mr. Lewis, in which he urged upon the President the justice of paying my damages, as he had promised him, and represented that I would have good ground for reclamation through my government. General La Motte was present, and said to the President, "Well, never mind, I will get proof enough to resist his claim." So no further payment was offered to me, and La Motte at once proceeded to procure affidavits by bribery from the thievish sailors I had in jail, and offered similar bribes to others of my crew, which they refused. This is shown by the depositions of Collar, the mate, Thibodeaux and Brown, which are on file in the Department of State.

The unlading of the cargo of lumber, which was yet more than half in the ship, was then proceeded with and finished. And here I will call attention to the impossibility of discovering water casks, if they had been on board, while the hold was
69 half full of lumber, notwithstanding which the Haytions report, and make Mr. Hubbard repeat, as the very strongest proof that I was a slaver, and that I had more than one hundred such casks on board, while in *in* fact eight was the whole number I ever had. The secretary of foreign affairs now, in answer to Mr. Lewis's communication to the President, sent him copies of the depositions of the five sailors in jail procured by bribery, and of Binar, on which their proceedings were originally founded, and reiterated to him the charges that I

was a slaver, asserting that my papers were not regular, which they afterward made Mr. Hubbard repeat, and that I had handcuffs and water casks on board for a slaver.

Mr. Lewis replied, showing them the falsity of the charges, stating that the William had been a slaver, but that I was an innocent purchaser under a legal sale; that my papers were correct and regular, as he had ascertained by careful examination; that he had been on board and knew the allegations about the great number of water casks was false by personal inspection; that the handcuffs, eight pairs, were for the purpose of necessary restraint and discipline among the crew, and were but an ordinary provision of the kind for safety, and as they had been withdrawn from the ship he demanded that they should be delivered to him for restoration to me, which was done, and Mr. Lewis returned them to me, at the same time giving me certified copies of the depositions of Binar and the five sailors. On getting these papers I had Mr. Delandes commence a suit against Binar for his slander and libel against me, and Binar ran away. I heard from time [to] time of efforts made by La Motte to get false testimony from my crew, and to induce them to desert. These things made me anxious to hasten my departure, and Mr. Lewis prepared my extended protest and affidavits for six of my crew, establishing the fact of bribery by La Motte of the five sailors in jail and his attempts to bribe the affiants. I shipped four boys, all the hands I could obtain, to make up my crew, weakened by the loss of five men. My provisions having been destroyed, in a great measure, I purchased of Messrs. Cutts and Cooper two barrels of beef, two barrels of pork, a barrel of rice, and some sugar and coffee, to last me to New Orleans, to which port I now determined to sail. I purchased and shipped about fifty tons of logwood, and filled my empty provision barrels, about twenty or twenty-five, with sea-water, and placed them in the hold for ballast; settled with my consignees, took the money for my cargo, and dropped down to the lower bay, where Mr. Lewis came on board bringing my clearance for New Orleans,

and all my papers, and took the signatures of myself and crew to my extended protest, and the signatures and oaths of the crew to the affidavits above mentioned.

At the beginning of my voyage I had an understanding with the house with which I was connected in New Orleans, Delaunay, Rice & Co., that if I found it practicable I would bring back to New Orleans a cargo of guano. In pursuance of this intent I had some negotiations at Grand Caymans, of which I have furnished proof to the Department of State, for the loading of my ship with guano, which failed by reason of my being unable to dispose of my cargo so as to make room in my hold for the guano. At Port-au-Prince, before my troubles with the authorities began, I asked one Vil Maximilian, who was employed in some small commissions for the ship, if I could procure some fifty men and a few women to go to the islands of Navassa and load my vessel with guano, if I could get permission from the Haytien Government to do so? He said he thought the hands could be procured, but when the difficulties with the authorities came on I saw that it would be useless to attempt to get any permission from the government to load guano in their jurisdiction, and gave up the idea altogether, and made no further mention of any desire to employ hands, determining to return to New Orleans as soon as possible. This is all the foundation there ever was for Mr. Hubbard's charge of endeavoring to inveigle Haytiens on board with intent to kidnap them.

In the afternoon, after I had taken my clearance, the Haytien war steamer Geffrard came down and anchored near me, and there received on board, with great show and ostentatious display, several hundred armed troops; and when in the evening, on the rising of the land breeze, I sailed out of port she followed me and kept near me for about two hundred miles, till I passed Cape St. Nicolas Mole, when she disappeared, having been near me about four days. I do not remember the date of my clearance and sailing, but I think it was the latter part of February, 1861.

On getting to sea I found that my vessel did not steer well for want of sufficient ballast, and I put in to Grand Inagua, which was near my course, to procure ballast. I arrived there when about a week on my voyage, and reported myself at the United States consulate, D. Sargent, consul or consular agent, and showed him my papers, and informed him that I was in pursuit of stone for ballast. He advised me to go to Man-of-War bay in the same island, and procured me a permit from the authorities to get stone there. I took a pilot and went there accordingly, one day being occupied in getting there. I employed eight men with two canoes to break stone and put it in my ship, and we had been at work about five days, being obliged to work only when the tide was down, when a strong gale from the southwest arose, and I found my anchors dragging, and was obliged to slip my chains and get out to sea, leaving my two best anchors and taking eight laborers, negroes, and their canoes with me. After getting to sea I lay to, the gale lasting four days, and was drifted by the current near to the southern coast of Cuba. After the gale subsided it took me ten or twelve days to beat back to Grand Inagua to restore those laborers to their home. We entered Man-of-War bay about 10 o'clock of a very dark night, and the pilot anchored me too near the reef. The next morning I
paid off my laborers, paying them for the time I
70 had been obliged to keep them at sea, and then tried
to get under weigh to proceed on my voyage. I put out a kedge and hawser and began to haul off the ship to get room to run out, when my hawser parted and she drifted upon the reef broadside on, the sea making a full breach over the vessel, where she lay pounding for eighteen hours, when at last at high tide, the land breeze arose and took her off. By this misfortune I lost my false keel, which separated from the hull of the bark and drifted ashore, sprung both of my topmasts, and finally broke the fastenings of my rudder, leaving it swinging useless by the ship's side, so that when I was afloat the bark turned around helpless, there being no means of

steering her. The beating on the rocks had also deranged my chronometers, of which I had two, rendering them useless. My only course of safety was to drift to sea. I took down my royal and fore-gallant yards to ease the disabled masts, and lashed my topmasts, and drifted at the will of winds and currents for about six or eight days, when I made a low key, but did not know where I was. I had made a hole and passed a chain through the rudder, and by tackles on each side contrived to steer the bark in an imperfect manner. I paid out a hawser astern to steady the course of the bark, but was very near striking ground, when in the evening a schooner which had been in sight some hours, seeing that I was in distress, anchored and sent a boat aboard of me. The schooner proved to be H. B. M. mail-boat Alma from the Bahamas to St. Thomas, Captain Matthew Stubbs, and Captain Stubbs and the owner of the schooner were in the boat which came aboard. From them I learned that I was on the bank of Caico, and in a very dangerous situation. A large number of wreckers about the same time came aboard and wanted I should give up the vessel to them, representing that I could not extricate her from her danger without their aid, and that it was dangerous for me to go anywhere for repairs in the state I was in. I refused their aid, and purchased an anchor and chain for $150 from Captain Stubbs, and also purchased some provisions from him, and endeavored to proceed so as to make a port in the Spanish part of St. Domingo, where I might make the necessary repairs to enable me to proceed on my voyage. I drifted four or five days longer without making land, and when I made the northern coast of St. Domingo I estimated, by most imperfect dead reckoning, that I was quite two degrees further eastward than I afterwards ascertained that I was. This was owing to the uncertain course of the ship, which could only steer near to the wind, and my having no other means of ascertaining my position or progress. I kept along the coast, making as much progress to the windward as I could for five or six days, till I thought I made the Dominican port of Porto

Plata. I kept up a signal for a pilot for two days, but not getting one I ran in by directions of the Coast Pilot, an American book for the guidance of navigators, taking the course prescribed for entering Porto Plata. The pilot signal I raised was a small French flag at the head of the foremast. This is the only use I made of the French flag until I entered the port. Upon going into the harbor or bay I observed a red and blue flag, which I knew was not the flag of the Spanish part of the island, and began to be alarmed, lest I had made a mistake. I called Thibodeaux, one of my crew who had lived in Hayti, and giving him my glass, told him to look at the flag and tell me what it was. He said it was the Haytien flag. Astonished and alarmed at this, I called all the crew, officers and men aft, and told them we were in Hayti again, and that if it was discovered that the bark was the William they would give us trouble: therefore I instructed them to say that the vessel was the Guillaume, a French vessel, and to talk only French, and those of them who could not speak French to keep silent. Having given these instructions I kept on my course into the harbor with the French flag at the fore and anchored my ship.

During the long time drifting, after being aground at Grand Inagua, the bark leaked considerably, and the crew were kept at work at the pumps. After coming to anchor I managed, by shifting weight aft and to larboard, to find the leak near the starboard bow, and had it stopped.

A boat came off to us with the captain of the port and several officers, and told us that we were in the port of Fort Liberty, in Hayti. I told them my vessel was the French bark Guillaume, bound from Havana to Havre, in distress, and that I wished to procure a blacksmith to restore the fastenings of my rudder, and I caused a note to be written and sent by the same boat to General Gourgue, commanding the place, stating that I was aware the port was not open to commerce, and promising to obey the regulations prescribed; but setting forth my distress, and asking leave to get the necessary black-

smith work and fill four casks with water, which permission was granted. I sent ashore and employed a blacksmith to make some pintles for my rudder, and also sent the four water-casks ashore to be filled. I got my rudder on the deck of the bark to fasten the pintles to it when I should get them made.

The next day General Gourgue and his son, and several other officers, and a party of about thirty persons, came on board and treated me kindly, and I entertained them with refreshments and wine, and the general offered me a seat in a carriage with his son, who was going to Cape Haytien that evening, if I wished to call on the French consul—saying the consul was a relation of his through his wife. I declined, saying that I could not leave my ship in her disabled condition. He then said I could at least write to my consul. Fearing that if I refused to write it would excite suspicion,
I directed my clerk to write a note to the consul,
71 stating that I would sail the next day, and would call
on him personally, which he did and delivered it to the general, not having shown the note to me.

General Gourgue, General Segur, chief of engineers of the place, who was of the party, and some other officers, examined the ship, observing her disabled condition, and going into the hold, where they saw all about what cargo was on board, and its stowage.

About the third day after my arrival, in the night, Miranda, a sailor whom I had shipped at Port-au-Prince, with whom I had had trouble at Grand Inagua, and had flogged him, stole one of my boats and escaped to the shore. I had him pursued, but only recovered the boat, which he had left adrift. My mate and clerk called on the general of the place and captain of the port, and inquired for him; but they denied having seen him, although he was then in their custody or protection making a declaration against me.

Knowing that Miranda would betray the deception I had practiced as to my identity, I gave orders to my men, who were

at work at the blacksmith shop, to hurry on board with what they had, so that I could get under way, and they came with two pintles, wherewith I slung my rudder. I sent three men ashore to get my four casks of water, and they were seized and the boat pulled ashore, and they were taken before the general and questioned if the vessel was the William, Captain Pelletier, which they stated was the fact, and after two hours' detention they were returned on board, but without the water. Soon after a letter came from the general ordering me to come on shore with my ship's papers. I answered, stating that as I was in a port not open to commerce, in a country not recognized by the United States, where I had no official protector, it would be unlawful for me to deliver my papers to any one; that I should not risk myself ashore; that I had called the bark the Guillaume because I had suffered injustice at Port-au-Prince, and feared a repetition of it here if I was known; that as he had begun to show hostility toward me by arresting my boat's crew I should hold no further intercourse with the shore; but wished him to send off my water-casks and the accounts for what I might owe on shore, and I would pay what was due, and sail with the land breeze in the evening. He answered me towards evening, declining to send my water-casks on board, forbidding my sailing, and saying if I did so it would be at my peril. In the mean time troops were sent down to the lower fort.

About 2 o'clock A. M. a light land breeze coming down, I weighed anchor and made sail, and proceeded down the bay till coming nearly abreast of the fort, the wind failed, and I drifted on the reef opposite the fort about half a mile off. The tide left me high and dry.

Early in the morning a letter was brought to me from Mr. Meneau, French vice-consul at Cape Haytien, who lived on a plantation near Fort Liberté, in which he said he knew my vessel was the American bark William, Captain Pelletier, and not a French vessel, and that I must come on shore immediately with my papers, or that means would be taken to bring

me ashore. The messenger who brought this letter went away without awaiting for my reply, and none was sent. About two hours later Mr. Meneau sent another letter informing me that if I did not come on shore with my papers forthwith, force would be employed to bring me. Both letters were addressed to me as Captain Pelletier, master of the American bark William, and signed by him as French vice-consul, with the French consular seal. I told the man who brought the letter to wait, but he did not, going away at once in his canoe. I was in the mean time taking measures to get the bark afloat, throwing ballast overboard, when I saw five schooners coming down full of armed men. I hoisted the American flag, but they came on and commenced firing on the bark with muskets, the balls striking the hull and masts of the vessel. I observed in the midst of the flotilla a small boat in which was General Segur endeavoring to restrain the firing, calling to the men not to fire. Seeing this, I raised a white flag to demand a parley. They ceased firing, and General Segur coming alongside I demanded to know why I was assailed in this way, urging that it was singular that the first salutation to a vessel in distress, lying on her beam-ends, should be with balls. He replied that his men were drunk, and had fired without orders. I asked him what all those men wanted? He said he had orders to bring me with the bark up to the port. I told him I would not consent to have that drunken crowd come on board, but that he was welcome to come himself with a reasonable force of sober men whom he could control. He selected about twenty men with whom he came on board, and with the aid of these men in lightening the ship she was got afloat, and we proceeded up the bay about seven or eight miles and anchored in front of the town. Being apprehensive of disorder and violence, I wrote General Gourgue protesting against the course of the authorities and the acts of the French vice-consul, and asking for an escort to protect me in landing, and he sent Colonel Rafael with about fifty men for that purpose. I took my ship's papers and my valuable private papers, in-

cluding all the documents connected with my voyage, and with the events that had thus far occurred, which were all in a portfolio together, and went ashore under the said guard. The moment I stepped ashore the mob sought to reach me apparently to tear me in pieces, and the guard had much difficulty in keeping them from me, they throwing stones at me, and knocking down one soldier with a missile aimed at me. I was conducted to the Government House, and there made to wait. After half an hour Meneau, the French vice-consul, rushed in, intoxicated, holding two large pistols in his hands, and cried out to me "surrender." I told him I could not surrender any more thoroughly, as I was surrounded by hundreds of armed men. He then cried, "Search that man, search that pirate."

I said it was unnecessary to search me, throwing a small
72 pistol on the table; that was the only weapon I had.

Then he demanded my papers, which I told him I thought he had no right to do, as I was an American, and in no respect under his jurisdiction. I pointed out among the papers in my portfolio, which he opened, my register, which he looked at, and then drew up a paper setting forth that as I was an American he had nothing further to do with me, and styling me a pirate, remitting me, my vessel and crew, to the Haytien authorities to do what they thought proper. He wanted me to sign the paper, which I refused, when he said that although they might use means to make me sign, it was of no importance; he would sign it himself, which he did. He then required me to give him an order for the French flag I had raised at my foremast, which I did. I was then taken to jail and put in irons. The next morning Mr. Meneau came to the jail with my whole crew whom he had brought from the bark, and then called upon such as were French to declare themselves, and he would protect them, and he took away six of the crew as Frenchmen, and the rest, who claimed American protection, were put in irons.

I wrote to the United States commercial agent at Cape Haytien, Mr. G. E. Hubbard, informing him of my situation, and

appealing to him for protection. To this letter Mr. Hubbard returned an answer plainly in the interest of the Haytien officials. I have stated in the beginning of this memorial that the Haytiens were countenanced and aided by Mr. Hubbard.

His answer to my appeal for protection shows in part how well founded is that statement. He denies confidently the damage to my rudder and false keel, when he was doubtless aware, and certainly would have learned if he had made the least inquiry, that my rudder was on deck while I lay at Fort Liberté, with the damage by broken pintles plainly manifest. He assumes that I was in fault for not entering Cape Haytien, when he well knew the reasons, the ill-treatment I had received at Port-au-Prince, which I submit were sufficient, that decided me to avoid the Haytien jurisdiction if possible. He asserts that I knew where I was previous to going into port, which was not true, nor was it possible with my chronometers rendered useless, and my ship incapable of steering and left to drift, so as to render all reckoning unreliable. He asserts what was not the fact, that I had used the French flag in an unwarranted manner before entering port, and makes the extraordinary statement that this proved me to have acted as a pirate. I have never met any definitions of piracy, or description of piratical acts, which gives any color to this assumption. He finally declines to interfere in any way for my protection.

The authorities then proceeded to an examination of their prisoners, beginning with the Frenchmen, and then proceeding with the Americans and those claiming American protection.

One of these last, named Peter, a boy of about eighteen, after answering in several forms to the effect that I had not been engaged in any piracy, objected to being further questioned to the same point, saying that he had answered fully, upon which he was submitted to torture by an instrument called the tourniquet, by which his leg was lacerated and skinned from his knee to his ankle, and, being unable to walk, was brought back to the cell and replaced in irons, helpless

and bleeding. This same boy was afterward acquitted on trial and set free.

At the conclusion of my examination, when they required my signature, I wrote in the French language a protest against my seizure and arrest and that of my crew, and the manner in which they proceeded with the examination, and all their treatment of us, and all their acts toward me and my ship, to which protest, at the foot of my examination, I affixed my signature.

During all these proceedings we were subjected to insults and violence from the populace and the soldiers, who pelted us with dirt and stones through the bars of the prison.

In about a week the French vice-consul sent for the Frenchmen of my crew to be taken to Cape Haytien. I protested against this, as he had no right to interfere with the crew of an American ship, or to exercise any control over my men, when it was yet undecided whether my vessel would be restored to me, and he had himself formally withdrawn from all interference with me, my vessel and crew. The men were taken to Cape Haytien.

Four or five weeks later an order came from Port-au-Prince to remove us all to Cape Haytien. They then took my clerk, Castay, on board the bark to make an inventory of the property on board. He, observing that many things were missing from on board, refused to sign the inventory as a complete list of property belonging to me or to the ship, stating his reasons. They thereupon brought him back to the cell and replaced him in irons, and put his head in a heavy wooden fastening or yoke, called a stock, where they kept him all day.

In the evening they embarked us on a little schooner of about ten tons, seven persons, all but one female, ironed hands and feet, piled in the hold in a space not more than six feet square. They also took my four water casks on the same schooner. In this manner we were conveyed to Cape Haytien, where we arrived the next afternoon. On landing we were made to walk, in our double irons, about a mile and a half, to the criminal prison, where we were put in cells about six feet

by five, built of stone, arched like an oven, dark, and without air. In the cell with me there were four other persons.

On the way through the town we were again the victims of mob violence, without any effort of our guard to protect us or restrain the mob, who pelted us with stones and missiles, so that every one was wounded and bleeding when we arrived
73 at the prison. During this miserable march Mr. Hubbard passed us on horseback, and looked at us, but said nothing, although he knew we were American citizens.

The next day the British consul, Mr. William Boden, and the consul for several German States, called to see me, but were not admitted. Mr. Boden called out to me through the door, saying, "Captain Pelletier, are you there?" I answered yes. He said to me, "Keep up good courage; you have friends who will look out." I asked him who he was. He answered, "The English consul." I said to him I did not know why I was treated so; I was innocent. He said, "We know that." I asked him if he could not see the American consul, and get him to protect me. He answered, "It is of no use; he is with them;" and then added, "Keep good courage; I will write to Port-au-Prince." This conversation was held through the closed door of the cell, as I lay chained by the feet. Mr. Boden sent me by the jailor a small sum of money—twenty gourdes, about $2—which the jailor delivered to me.

After about a week's detention in this dungeon I was again embarked, with five of my companions, my mate being left behind sick with the yellow fever, in the same little schooner, ironed as before, hands and feet, the Frenchmen being sent by another vessel, free from irons, and sent to Port-au-Prince, where we arrived, after much suffering, at the end of eleven days.

When we landed they marched us, still keeping our double irons on, through different streets, about three miles, to a prison, a savage multitude of thousands surrounding us, and pelting us and cutting us, so that we left a trail of blood.

Louis Legallin, one of my boys, on this march, being ill and

weak, fell and fainted from fatigue and loss of blood; when they put a stick through his shackles, and dragged him over the pavements and rough stones in the road, so that his skull was worn through or broken, and he was dead on arrival at the prison. His body was thrown in the yard, and some small boys were permitted to beat out his eyes with sticks, for their amusement.

When we arrived at the jail I met General La Motte, minister of police, and General Carrie, general of the place. La Motte said to me: "Ah, Pelletier, did I not tell you I would yet have you in my power? now you will see." General Carrie said: "Ah, you pirate, you robber, you thief, you said I trampled on your flag; now you are in my power, now you shall feel it." With this he came up to me, and with his own hands seized my gold watch and chain from my person, and, having caused the irons to be taken from my wrists, made me take off my coat and vest, so that he could get some costly gold buttons which I wore on my vest, and with his own fingers took out my gold sleeve buttons, and kept them with vest, watch, and chain.

I was then searched, and everything they found taken from me; but they overlooked a silver binnacle watch in my pantaloons fob, which I afterwards tried to sell to procure some food, when the jailor seized it, as his superior had previously seized the more valuable gold one.

The next day I was taken from my cell, irons taken off, and conducted to the ministry of police, where a court-martial was formed, of which General Carrie, who had robbed me, was president. They examined me privately, not allowing me any counsel present, and then returned me to my cell and irons. This examination related solely to occurrences at and near Fort Liberté. They then, as I was informed, examined my crew, one by one, privately. When John H. Brown, a sailor of Boston, was called and interrogated, he denied any criminality in any proceedings at Fort Liberté, at which Lilavois, the public prosecutor, became angry, and told him that they had my

head, and would drink my blood in my skull, and read to him the declaration of Miranda, and told him that if he did not swear the same as Miranda had, they would have his head too. He answered that he could not tell lies on any account, whereupon they hurried him away to a dark cell, and put him in double irons. Several others were treated in a similar way for the same cause.

I made a protest against all their proceedings, denying the jurisdiction of their courts; claiming the protection of the United States government, through their commercial agent; giving a brief account of my voyage, and asserting my innocence of any crime; also appealing for protection to the representatives of all civilized governments, as I was suffering in behalf of all white men, as witness the tortures to which I had been subjected, though convicted of no offence, and the shameful and illegal means that had been used to try to obtain testimony against me. A copy of this protest was sent to every foreign consul, and it is believed to be on file in the Department of State.

About a week afterwards I was brought out again before the same court-martial for a confrontation as it was called, being a reading of the examinations of the several witnesses, in their presence and mine. One of the French sailors, named Picault, when he heard his examination read, in which it was stated that I had intended to give a ball on my ship and invite the principal persons at and about Fort Liberté, and, when they should be assembled, carry them off forcibly and sell them into slavery, stopped the reading, and said he had never stated any such thing. Lilavois, in an angry manner, told him he had, and pointed to the writing, and said: "Here it is." Picault told him it had been interlined after he had signed the paper; that he had never stated nor heard any such thing. Lilavois then said he would hold him as an accomplice of Pelletier, and immediately ordered him to be ironed and dragged away to a cell, which was done, although being a Frenchman he had hitherto been free from such restraint. During the

whole proceeding they used the same threatening
74 and violent means towards all the witnesses, but they failed to get any testimony against me from any of the crew, either American or French.

The government then ordered a commission of five, including judges, senators, and lawyers, of whom Dauphin, president of the court of cassation, was one, to determine whether I was amenable to their laws, and this commission decided that, being accused of being a slaver under a foreign flag, I was not amenable to the laws of Hayti, and moreover that I was in nowise amenable to such laws, as I had not committed nor attempted to commit any crime on the soil of Hayti, and ordered that I should be remitted to the United States commercial agent, to be dealt with by my own government. They came to this conclusion after an examination of all the declarations and depositions that had been made and taken against me, and in relation to the charges made against me from my first arrival in Hayti; including the declarations of Binar, the five sailors imprisoned by me for stealing, Miranda, and my crew, who were finally taken with me. So I was four or five days afterward informed by Mr. Delandes, a lawyer of high standing, president of the chamber of representatives, and a member of the commission. He had been my counsel on my first visit to Port-au-Prince, and was friendly to me, and talked freely to me of all matters. I asked him if I would be remitted to the agent of my government, according to the decision of the commission. He told me not to expect any such thing; that the government was still inclined to press some accusation against me, and said he had heard they intended to raise a charge of piracy out of my business with Cortez, the papers concerning which he was familiar with on the former occasion, having had them translated for the purpose of prosecuting Binar for me for libel and slander, and he laughed at the idea of getting up such a charge on such a foundation. He proceeded to say that he knew they were going to send an agent or messenger by the next steamer to Santa Martha, to bring

Cortez to Hayti at any cost, to try to get him as a witness against me. He said that St. Amant, one of the government lawyers, and private secretary of the President, had suggested as the only means of convicting me, that I should be charged with piracy by Cortez, and the acts shown to be connected by continuation with something I had done in Hayti; although he (Delandes) said this would not give them jurisdiction, unless they could show that I had been guilty of actual assassination in Hayti. He further informed me that he had had an interview with the President, along with Senator Celestin, in which the President had said that he would be the greatest enemy of his own country if he should surrender me to the United States, for he knew the United States would discharge me, and that then I should reclaim against the republic of Hayti, and therefore I must be sacrificed to the interests of the state. I have information that President Geffrard made the same statement, in effect, to several other persons, among whom are the Archbishop, Lord de Cosquet, the vicar-general Father Pascal, and Mr. Linstant Pradine, to whom he said I was just such a man as he wanted, and if I was inclined to be naturalized and become a Haytien he would put me at the head of his navy; that I was a man like himself; but as it was I must be sacrificed to the public interest. These persons had all called upon the President to urge upon him the justice and propriety of carrying out the decision of the commission, and surrendering me to the government of the United States.

The bark William had now arrived at Port-au-Prince with my mate, Thomas Collar, on board, from whom I learned that after I was taken from Cape Haytien Mr. Hubbard called upon him frequently and treated him kindly, and gave him some money, but tried all means to induce him to testify falsely against me.

Six weeks later I learned that Cortez and a man named Caño, of whom I had never before heard, had arrived, and that Caño represented himself to be her Britannic Majesty's vice-consul at Carthagena, and that he was the owner of the

goods shipped on my vessel by Cortez, and that Cortez was his clerk. He claimed to be under English protection. I do not know what depositions they made against me, as they were never read in court on my trial, or in any other way made known to me, nor were these men ever examined on my trial or in my presence.

It was now in the month of August, 1861, and they took me from my dungeon, and from my irons, and examined me on the affair of Cortez, which had not been alluded to in my former examination. They examined the crew also touching the same affair, following the same course of threats, imprisment and irons, to force them to testify against me, as on the former examination; but did not succeed in getting any testimony against me from any of the crew. They did not proceed to have a confrontation.

On the presentation of the act of accusation Mr. Delandes, president of the Chamber of Representatives, who had hitherto acted as one of my counsel, withdrew, saying he had been warned by the government not to interest himself further in my behalf, and leaving my defence to Messrs. Linstant and Laveaux, promising to assist by his advice without being further known as one of my counsel.

Linstant and Laveaux came to see me in my dungeon to receive from me the act of accusation which had been handed to me; they had been informed by Delandes of the papers in relation to the transaction at Grand Caymans, and asked me where they were? I told them they were enclosed in a package with India-rubber covering, and sealed with the seals of General Gourgue of Fort Liberté, and the French vice-consul, Mr. Menau. Mr. Laveaux at once went to the minister of justice, Dubois, with whom he found the package, and gave him notice that as it was sealed with the French consular seal he would get the French con-
75 sul-general to come and open it. He went for that purpose and returned with the chancellier of the consul general to open the package, but Dubois refused to produce

the package. The French consul-general, Levrau, then sent to the minister of foreign affairs a notice to be communicated to Dubois, not to break the seal of the package without his being present to authorize it, and take a list of its contents. Mr. Laveaux also called on Mr. Lewis, the United States commercial agent, and at his instance Mr. Lewis wrote to the minister of foreign affairs, informing him that the said package contained papers of vital importance to me in the new matters which they were bringing against me, and demanding that said package of papers should not pass out of the possession of the minister of justice, or be opened until I should be present, or some authorized representative, to see the papers and take what should be necessary. The minister of foreign affairs answered that his request should be complied with. Without regarding this promise we ascertained next day that the package had been opened, as some of the papers had been seen in the hands of Caño, my accuser. From that day my lawyers took every means to get the papers, but were sent from the minister of justice to the government attorney, from him to the clerk of the court, from the clerk back to the minister, who said that the papers had been given to the government attorney, who wanted them to make up his case. Mr. Linstant then received a note from the clerk saying that the papers were with him, but he was forbidden by Lilavois, government prosecutor, to show them, or any of them, to my counsel. Mr. Linstant then went to Judge Boco, president of the court, and procured an order from him to the clerk to exhibit those papers instanter. On the presentation of this order to the clerk he went into another room to get the papers, but Lilavois was there, and seized them and carried them away. The next day was the day of trial.

The next day I was taken out of my irons and brought into court with the rest of the crew, surrounded by soldiers, and they began to draw the jury, but by advice of counsel I refused to exercise my right to select six of the jury, denying their jurisdiction. Then they chose a full jury themselves. My

counsel then pleaded that the court had not jurisdiction, which plea was sustained by the court, Judge Boco, a negro from Congo, a good and learned man, pronouncing judgment immediately in my favor; that as I had committed no offence in Hayti I was not subject to the jurisdiction of the country, but should be remitted to my own government for trial.

Within twenty-four hours this judgment was taken to the court of appeals, where Judge Dauphin, the president of the court, reversing his former decision as one of the commission which decided that I was not amenable to the Haytien laws, set aside the judgment and ordered me to be tried again. The three judges who had decided to release me were sent to jail, a new court was formed, a new jury drawn, and I was placed on trial again. Three witnesses, the pilot I had taken from Carthagena, Lobos, one of the five sailors I had caused to be put in jail, and a boy whom I had left at Port-au-Prince, whom I had named as necessary to my defence, was seized without any charge, and imprisoned, so that I should not be able to procure their attendance. I stated that as my defence was thus gagged I should make no attempt at defence, but denied the jurisdiction of the court, and begged my counsel to withdraw. The government prosecutor then proposed to assign counsel for my defence. My counsel, who were still present, said that they were there to defend me, but if I did not wish their services why should counsel be assigned me? The chief judge said if I did not choose to be defended I must suffer the consequences. It was then suggested to me by Linstant to have Brown demand my counsel to defend him and Collar, and they could present all the points in my favor in defending them. This was done, and the trial proceeded.

My steward, who was produced as a witness, for swearing in court that I had not been guilty of any wrong toward Cortez, was dragged to jail, and the French consul-general had to interfere to get him released, and when they wanted to bring him into court again he would not permit it. Mr. Laveaux, for alluding to the extraordinary means resorted to to produce a

conviction, and to the abstraction of my papers so that they could not be used in the defence, was hurried off from court to jail. In the course of the trial Linstant ventured to allude to the abstracted papers, referring to a document under the hand of Mr. Eden, United States consular agent. Lilavois replying, and referring to remonstrances of Mr. Lewis, which will be hereafter mentioned, denounced the Americans as pirates and thieves, descended from paupers, and none of them better than fillibusters; and said he disregarded their protests, and that if any such paper existed, certified by Mr. Eden, he was one of the same piratical nation, and had been conniving and confederating with me in my crimes.

Miranda was produced as a witness, and having heard that he had been condemned to the galleys in France for some felony, Mr. Linstant, with intent to show that he was an incompetent witness, asked him if he had ever been at Toulon, when immediately the chief judge interposed and forbid Linstant asking any such question, saying if he did so he should follow where Laveaux had gone. At this Linstant said he did not wish to go to jail, and took leave of the court and withdrew, so that the Americans on trial, Collar, Brown, and Castay, beside myself, were from this time left without defence.

On the third day the cause was submitted to the jury, who retired, Lilavois going out with them; and in a few minutes returned and announced their verdict, convicting me as principal of the crime of piracy, and Collar, Brown, and Castay as accomplices, and acquitting all the French sailors, including the one who had been put in irons for asserting my innocence.

76 The court then condemned me to death, and Collar, Brown, and Castay each to five years' hard labor in chains. The sentence also condemned me to pay $1,000 to Caño, and $3,000 to Cortez, and confiscated to the profit of the state the bark William, with all the property on board. A certified copy of the act of condemnation is filed in the Department of State.

Before the trial a Spanish fleet had arrived making hostile demonstrations against Hayti, when Caño and Cortez dropped their claims to British protection and claimed to be Spanish subjects; passing in a moment from the jurisdiction of the British consul to that of the Spanish consul, which last, Escalante by name, with the commander of a Spanish frigate, appeared each day in court in company with these new found Spanish subjects.

About the time of the first trial, having heard that General Carrie was going on board the bark to bring off the valuables he might find there, Mr. Lewis protested against such proceeding, and against any one going on board, and especially any person knowing where the bullion and most valuable property was kept. Notwithstanding this protest, General Carrie went on board and brought away my bullion and money, amounting to about forty thousand dollars, and silver-plate, some of my wearing apparel, and other property, in all loading a wagon and two donkeys. When this was known, a few days afterward, by Linstant's direction I made a protest addressed to the minister of justice, which Collar wrote from my dictation, as I was chained and he was not. A spy was present and informed the jailer of this protest, who took it and gave it to General Carrie, who, although it was addressed to the minister of justice, his superior, and sealed, broke it open, and when he discovered that it was in condemnation of his own acts, had me removed from my dungeon to a smaller, more damp and miserable one, nearly under a vile privy, with short, heavy irons, where he kept me for two months as a punishment for complaining to the minister of justice of his robbery of me.

Immediately after my condemnation I wrote to Mr. Eden, of Grand Caymans, informing him of my trial and sentence, and for what I was sentenced, and appealing to him to do something to have my sentence revoked, for he knew my innocence, and I hoped that my counsel might cause my execution to be deferred till I could hear from him. Mr. Eden answered from Kingston, Jamaica, giving the strongest assur-

ance of my innocence, and also sending testimonials of his own high character, to show that if I had been guilty of any crime toward Cortez he would himself have arrested me. He stated that it would require about two months to procure copies of papers from Grand Caymans, but he would do it as early as possible, which he afterward did, and the papers were forwarded by Mr. Camp, vice-consul at Kingston, Jamaica, to Mr. Webb, who had succeeded Mr. Lewis as commercial agent at Port-au-Prince.

Between the first and second trials Mr. Lewis made a protest and sent it to the minister of foreign affairs, in which he set forth and protested against the various acts of illegality, oppression, and torture, while unconvicted of crime, of which I had been the victim; and as bribery had been employed to obtain testimony against me, and my papers abstracted so that I could not properly defend myself, he demanded that I, with my vessel and cargo, should be surrendered to him to be sent to the United States. A copy of this protest is on file in the Department of State.

My counsel appealed in my behalf from the judgment, Mr. Laveaux having been set at liberty on the conclusion of the trial, notwithstanding which I was two or three days after sentence taken out to be shot, and tied to a tree, and about a dozen soldiers with muskets brought up before me, and three times levelled their pieces at me, but after about three hours an officer approached on horseback and spoke to the commander of the guard, who untied me and returned me to my dungeon in irons. No explanation of this proceeding was ever made to me, but it has been suggested by my counsel that it was prompted by the revengeful feeling of General Carrie, who wished to daunt me and make me suffer the fear of immediate death.

About five months after the trial my appeal was brought on for a hearing, although the law requires all appeals, when the party is deprived of his liberty, to be heard in thirty days. Among the exceptions taken by my counsel was one to the

competency of the jury which condemned me, which was wholly composed of military men, who are by law excluded from juries. My counsel had taken and presented thirteen exceptions, on reading which the government attorney attached to the court of cassation, Andre Germain, acknowledged their justice and sufficiency, and said he was ashamed to be a Haytien and see such a case in the courts of the republic, and that to show his sincerity he would furnish four additional grounds on which the judgment ought to be set aside, which he did. In the discussion before the court Germain sustained the appeal, and the court seemed about to decide in my favor when a private message was brought from the President of the republic to the president of the court, Dauphin, whereupon the court terminated the discussion and retired to a private room, whence they soon returned and immediately announced their judgment, sustaining the judgment of the criminal court in all respects except the penalty of death against me, which was to be changed to five years' imprisonment, which was ordered to be imposed by a court to be convened at Cape Haytien, without any new trial or the intervention of a jury, whither I was to be sent to receive such sentence and the punishment they awarded. In order to justify to themselves this decision they altered the verdict of the jury, striking out the words "with force of arms and threats of assassination." Germain
77 at once said, "Gentlemen, you will repent of such an outrageous decision; Hayti will sink if such injustice is sustained." After the court dissolved Linstant said to Dauphin, president of the court, with whom he was on terms of familiar and intimate friendship, "Thou hast committed a great blunder." To which Dauphin replied: "Don't you see that we acted under the orders of the President? It is a political decision."

Some time afterward I received a note, conveyed to me secretly, warning me to be on my guard against poison; and soon after the jailer brought me a dish of soup, an attention never rendered me on any other occasion. I pushed the soup

aside, saying I was too sick to eat; and a negro soldier who was confined in the same dungeon, under sentence to be shot, took it and ate it, and in half an hour he was dead. His body swelled up like a barrel. The corpse was dragged out and nothing said about it.

During the period between my trial and the hearing of my appeal, the papers for which I had written to Mr. Eden were received by Mr. Webb, now the United States commercial agent. Linstant got the papers from Mr. Webb, and seeing that they fully established my innocence, prepared to prosecute Caño and Cortez for their perjuries and fraud. These men had not as yet received the money adjudged to them; but now when they were in danger of prosecution they were immediately paid, and they, as soon as they received their money, ran away—taking horse across the country to Jacmel, to reach the British mail packet which touches there. These facts were afterward related to me on my escape from Hayti, on a Spanish steamer, by Mr. Serranne, Spanish vice-consul in charge of the consulate general, who said he himself paid them the money at the urgent instance of the President, and knew of their flight and the reason of it. Linstant took the papers received from Mr. Eden and showed them to the President, who said: "We know Pelletier is innocent, but General La Motte has, by his folly, got us into this entanglement with him, and I should be the greatest enemy of my country if I should now suffer him to go free, for you know he would put two or three nations against us, and it is therefore my duty to sacrifice him."

I was for a long time sick in my dungeon, and begged of the jailer that I might be allowed a physician and medicines, but was constantly refused. The jailer, however, informed Mrs. Linstant of my sickness, and she went to the President, and by importunity, and shaming him, obtained permission to visit me, and brought me some remedies, and procured for me the benefit of some air; though when she would leave me, although promising to leave the door of my dungeon open so that I could breathe, they would immediately close it. The

relief afforded me by her mitigated my sufferings, and saved my life.

At length about the close of May, 1862, the chancellier of the French consul general, the marquis of Forbin Janson, came to me, the dungeon being opened to him, and told me the marquis had received orders from the French government to inquire into my case, and wished me to state to him the facts about the breaking of the French consular seal which had been affixed to my papers. He also said the marquis had received some further orders concerning me from his government, and would himself call on me the next day.

The next morning about three o'clock my dungeon was opened, my irons taken off, and I was brought out and taken by a guard of about a dozen soldiers, led by an officer on horseback, and marched away, weak as I was, out of town, without giving me a word of information as to my destination in answer to my inquiries; nor had I any suspicion where they were taking me, till at the end of about a week we arrived at Gonaives, when I concluded I was being taken to Cape Haytien, which proved to be the case. I was very feeble, and when we began to ascend the mountain des Roches, I often fell from inability to walk or stand. They would then beat me with sticks to force me on, and when I was completely exhausted, they would drag me into a hut till I regained a little strength, when they would push me on again. In this way I was forced across the mountain, and when I reached Pleasaunce, on the other side, I was wholly exhausted, and unable to proceed further. My clothing was all gone, the skin and flesh of my knees was worn through to the bones, all my toe-nails were torn off, and my body was one continuous sore from my shoulders downwards from beating with sticks. I fell helpless. The general of the place, less barbarous than those who had brought me there, permitted some women to bathe me, and had me placed on a litter of sticks covered with leaves, on which I was conveyed to Cape Haytien, where I arrived the same day I passed Pleasaunce; the whole journey having occupied more

than twenty-three days, though I do not know the exact time.

I was immediately taken to a dungeon. My arrival in such a state of suffering caused a sensation, and the next day Mr. Boden, the British consul, the German consul, and Mr. Folsom, United States commercial agent, who had succeeded the infamous renegade, Hubbard, called on me and found me ironed, notwithstanding my dreadful condition. Their indignation was greatly excited. They remonstrated with the general of the place, and endeavored to persuade him to place me in a hospital, but he refused. He consented, however, to have them send me a physician, and I was thenceforth regularly attended by Dr. Garcia, a Spanish physician. The consuls all wrote to Port-au-Prince to the representatives of their respective governments, setting forth in indignant terms the barbarities which had been practiced upon me, and calling for their interference with the President for my relief. The curate, Father Potholit, also wrote to the archbishop and vicar-general, Father Pascal, who sent back to him to relieve my necessities to the extent of eight gourdes, about 50 cents, a week.

These communications to Port-au-Prince had the effect to induce President Geffrard to send his sister, Mrs. Casting,
78 a very kind woman, to me with 200 gourds, about $16.

She assured me that her brother, the President, was not responsible for the cruelties I had been subjected to, but that it was the fault of General Carrie. Encouraged by her kindness and her assurances in regard to General Geffrard, I afterward, when I got able, wrote to him a long letter setting forth my whole case, my innocence and my wrongs, and appealing to him for justice, but he never answered me.

The American, British, and German consuls continued very kind and attentive to me, and often visited me and gave me money when I needed it. At one time, speaking with them of Mr. Hubbard, I asked why he had so cruelly neglected me. The German consul answered that he was wholly identified with the Haytien interests; that he was then gone to Europe to marry a mulatto wife, the daughter of Minister Dupuy;

that he had large pecuniary contracts with the government, and had no other country but Hayti.

The consuls procured Mr. Henry Baudeauf, nephew of Dupuy, to act as my counsel when I was brought before the court, in pursurance of the order of the court of cassation. The court read the order, and on Mr. Baudeauf rising to take exception, they stopped him and would not permit him to speak. They then pronounced sentence upon me of five years' inprisonment at hard labor in irons, and asked me if I had anything to say. I answered that I had, and was about to proceed, when the judges sprang to their feet saying: "Don't speak, don't speak," and put on their hats and rushed out of the room. Messrs. Folsom, Boden, and the German consul were present. I was returned to my dungeon in irons. Baudeauf filed his exceptions and appealed from the sentence. Mr. Folsom wrote to Linstant, one of my counsel at Port-au-Prince, and received a reply from him, which is filed in the Department of State. Mr. Folson then told me that as Hayti had been recognized by the United States, and a minister appointed to reside at Port-au-Prince, I must await his arrival, when he would doubtless interfere in my behalf.

About November, 1862, I heard of the arrival of Mr. Whidden, United States commissioner, at Port-au-Prince. I wrote to him, as did also Mr. Folsom and Mr. Boden, in my behalf. Mr. Whidden answered Mr. Folson that Prsident Geffrard was then absent on a tour, but that on his return he would have an interview with him and would send for me. Accordingly in December an order came to send me to Port-au-Prince, and I was taken out of my dungeon, relieved of my irons, and embarked on board a schooner. The consuls continued their kindness to me till my departure, and accompanied me to the wharf, and Mr. Folson gave me money before we separated.

I arrived at Port-au-Prince after a voyage of about five days, some time in December. The next day I was taken to the house of Mr. Whidden to give him an opportunity to examine me, and learn the history of my treatment in Hayti. He took

notes of my statements, and directly commenced negotiations with Dupuy for a settlement, Dupuy being anxious to bring the matter to a close. Mr. Whidden, however, soon informed me that the case presented two aspects—one for the public wrong by insulting the American flag, and touching the spoliation and oppression to which I had been subjected—and that he must receive instruction from Washington before he could conclude any arrangement. After Mr. Whidden had received advices from Washington he was on the point of making an arrangement with Dupuy, when he was taken sick and obliged to leave for home on leave of absence. He sent for me and told me the affair was in a fair train for settlement, and would be left in the hands of Mr. Henry Conard, who would doubtless bring it to a close. The Haytiens on his leaving became indifferent as to an early settlement, and sent their papers and instructions to their minister in Washington, as I was informed. So the matter rested, as far as any overtures for a settlement were concerned, till after Mr. Whidden's return from his visit to the United States, in 1863.

In the mean time Mr. Whidden, seeing my feeble state and the sickness I suffered, had procured my transfer from prison to a hospital, and afforded me all the relief and comfort possible, as did also Mr. Conard. I was taken to jail once again for about a month, but not ironed, and then returned to the hospital, where I remained till my escape.

In April, 1863, I wrote to the President of the United States, and received a reply from the Department of State in June following, assuring me that my case should receive just consideration.

About this time the appeal of my counsel, Mr. Bandeauf, from my last sentence at Cape Haytien, which had been suffered to remain unnoticed for nine months or more, contrary to law, was brought to a hearing. M. Whidden remonstrated against reviving this matter at so late a day, as tending to complicate and embarrass the case now under negotiation, but they disregarded him and proceeded to affirm the judgment,

and further decreed that I should be sent before the correctional court to have some punishment inflicted upon me for the terms in which my counsel had referred in his appeal to the decision of the court as having been in excess of their authority. They did not, however, take me before the correctional court. On this hearing, Linstant produced and offered to read the papers received from Mr. Eden, in place of those which had been abstracted, establishing my innocence, but they would not hear him, and forced him to withdraw. After the decision some of the judges called on me and apologized, saying they were obliged to render a political decision, or they would themselves be subjected to punishment, to the ruin of their families.

After Mr. Whidden's departure I was informed by a
79 Haytien friend that St. Amant, in a speech in a council of ministers, had referred to historical instances in Venice and Rome where the supreme authorities had resorted to assassination by poison to rid the state of dangerous or obnoxious persons, and contended that such means were proper, and that I was a fit subject for the application of the policy. My friend warned me to be cautious against poison, and the physician of the hospital admonished me to bar my door at night, and in all ways to guard against assassination. I made immediate representation of these matters to Mr. Conard, who came to see me, and told me not to eat anything they offered me, and gave me food from time to time, and also money.

When Mr. Whidden returned, about September 27, 1863, he very soon called on me and told me Dupuy was absent from the country, and General Damier was acting as minister of foreign affairs, and that General Damier was prepared to settle my claim, and had promised him to be magnanimous and generous towards me. He anticipated an immediate close of the whole affair, and several of my friends, to whom this had been communicated, called to congratulate me, saying I would next day be set at liberty, and restored to affluence. Twenty or more days elapsed and I became very sick—even the physician of the hospital feared I had been poisoned.

When I regained a little strength, General Damier having sent a note to Mr. Whidden putting an end to all hope of justice toward me, and saying that I had been legally condemned and must suffer according to my sentence, unless I would ask for a pardon, which in that case would be granted, and money given to me, measures were taken for my escape.

The French consul general, thinking I would die, came and drew my will, which I executed, and he gave me twenty dollars. The British consul, the Spanish consul, Mr. Whidden, Mr. Linstant, and Father Pascal, each gave me twenty dollars. Some of this money was conveyed to me by the physician of the hospital.

In the mean time I received a letter from my sister in France informing me that Dupuy, who was then there, had promised my family that if I would ask a pardon it should be granted, and a large sum of money given me. They, anxious for my liberty and return to life, begged me to accept these terms.

A friend residing at Kingston, Jamaica, being at Port-au-Prince, called on President Geffrard, who made to him similar propositions.

As I had never committed a crime, I could not ask a pardon from my oppressors, but preferred to run away and rely upon the justice of my own country.

On the 11th of November, 1863, at 10 o'clock p. m., I scaled the wall of the hospital by the assistance of some ten shipmasters, who furnished me with ropes and aid, and went under the escort of the same gentlemen to the French legation, not choosing to go to Mr. Widden's, because I knew if I was searched for it was there they would look for me. I staid at the French legation about 36 hours, and then went to the British legation, where I remain about an equal period. The police were busy and active in searching for me, but I remained secure.

On the evening of November 14, I embarked on board the Spanish steamer Monte Christo, Captain Arriaga, bound for Kingston, Jamaica. I was escorted on board by Mr. St. John,

British minister, and the Marquis of Forbin Janson, French charge d'affaires, and about sixty shipmasters and other gentlemen.

Captain Arriaga had his steam up ready to start the moment I arrived on board, and gave me a free passage to Kingston, where I arrived on the evening of November 16.

I immediately called on the United States consul, informed him of my case, and placed myself under his protection.

At Kingston I met Mr. Eden, of Grand Caymans, and several other respectable residents of that island who had knowledge of my proceedings there, and my dealings with Cortez, and took their testimony in the matter before the United States consul, also proof of my efforts there to provide a cargo of guano for my return voyage. I also met Captain Stubbs, of the Alma, who had aided me in my distress on the banks of Caicos, and got his deposition to the facts. These depositions are all filed in the Department of State.

After getting the testimony of Mr. Eden and his neighbors as they and myself were well known at Kingston, I published in a paper of the place so much of the history of my case as is connected with Grand Caymans and my dealings with Cortez, with the testimony establishing my innocence therein. I did this to place myself right before the community of Kingston, where my witnesses were known, and where the Haytien emissaries were still endeavoring to prejudice me in the public mind. These emissaries, one Laraque, consul of Hayti, at their head, used all their exertions to prevent the newspapers from publishing my narrative.

I omitted to mention in the proper connection that after my condemnation the bark was advertised to be sold at public auction, with all my instruments and things belonging to the vessel. At the opening of the sale a party offered a large sum of money for the whole, which was refused on the plea that it was insufficient, and the sale postponed till the next week, when it was again offered, and purchased by one Mr. Riverre, for the sum of 4,000 gourdes, about $480. Mr. Lewis pro-

tested against the sale of my instruments, as not being subject to any forfeiture.

After the sale, the vessel was immediately repaired
80 and fitted out by Mr. Riverre, and sent to Boston for further repairs and for a cargo of ice, in which trade she was regularly employed until lost.

The next session of the chamber of representatives strongly denounced this action of the government, whereupon the President called a force of armed troops, and suppressed the chamber and turned out the members, and ordered a new election, when his own partisans and soldiers were chosen.

Suffering all the time from illness, engendered in Haytien dungeons, and ruined in fortune, I at length applied to the United States consul for aid; and by his assistance was enabled to leave Kingston on the 5th of May last, and arrived in the United States on the 14th of the same month.

I write this narrative at Providence Hospital, in the city of Washington, where I am receiving medical attendance and careful nursing from the Sisters of Charity, in the hope of re-establishing, in some measure, my broken constitution.

Having now completed my narrative, I beg leave to submit a few comments on some points that seem to require special attention.

The despatch of Mr. Hubbard to the Department of State, dated April 13, 1861, seems the only document that gives my case a bad aspect before the department, and that more by its coloring than its facts. Its coloring is false, and its facts are not true.

I have charged Mr. Hubbard with countenancing and aiding the Haytiens in their unlawful and barbarous treatment of me. Concerning his motives I have to say that he was an adventurer who devoted himself to the acquisition of wealth in Hayti. To this end he courted the favor of the government, getting profitable contracts, and identifying himself socially with them. At the time I was seized he was under a matrimonial engagement with the daughter of Dupuy, one of the ministers of the

republic, and one of my worst enemies, a colored woman, whom he afterward married. He had settled himself permanently as a merchant at Port-au-Prince, thriving on the favor of the government.

He takes pains in the beginning to throw a cloud over my voyage, as "very round about and apparently illegitimate," though it is hard to imagine how my wanderings in the West Indian seas, however varied and unfortunate, could be connected with any idea of a slave trading expedition.

He says I entered my vessel at Port-au-Prince as "coming from New Orleans," but "could show no regular clearance from that city." I did not enter my vessel as coming from New Orleans, though she was registered as belonging there, but my papers showed my voyage to have commenced at Mobile, and Mr. Lewis, our commercial agent at Port-au-Prince, testifies that my "ship's papers were correct, and delivered to him in due time."

He says the bark was "suspected of being a slaver, which suspicion was substantiated by the written evidence of several of her crew and passengers." This is wholly untrue. The suspicion was started by the declaration of Binar, a passenger, who was trying to extort money from me, and supported under the influence of bribery, as is proved by the affidavits of Thibodeaux, Collar and Brown, by the five sailors whom I had put in jail for stealing. But not one of these men swore to anything more than hearsay and suspicion, and the suspicion was never substantiated by any circumstance or the oath of any one.

He says there were found twenty pairs of handcuffs on board. No such proof was ever made, and only eight pairs were ever on board. He speaks of twelve revolvers and four rifles. The revolvers were sold before any suspicion was aroused, and the rifles were double-barreled hunting guns, and only three.

He tries to inflame prejudice against me by referring to two kegs of powder as a large amount to be on a merchant vessel,

when, if he knew anything about it to authorize him to speak of it at all, he knew that the powder was on the manifest as cargo, and had been sold and debarked before the beginning of any difficulty.

He says there were in the hold a large number of beams, and cross bars, and plank. No such proof was ever made, no such fact ever existed. I had only my cargo of lumber, which was sold before any trouble, and a few pieces of scantling, not exceeding half a dozen, for ordinary use.

He says there were also in the hold a large number of water casks, reported over a hundred. No such report was ever made, no such proof was ever exhibited, or obtained, or offered; no such fact ever existed. Eight water casks were all I ever had on board, though, as elsewhere stated, I filled some twenty or twenty-five empty provision barrels with salt water for ballast.

He says I had a large quantity of provisions, but in fact my supply was inadequate for my crew, and I had to buy an additional quantity at Port-au-Prince, and again of Captain Stubbs, as is shown by his affidavit.

While detailing matters intended to criminate me, Hubbard states in positive terms as facts, without giving his authority, such things as he must have learned from the Haytiens, if he did not fabricate them himself; but when he comes to speak of any complaint of mine he is careful to refer to me in such a manner as to show that he hopes he has so far discredited me as to deprive my word of all weight.

So he says my handcuffs were taken away and delivered to the government, but is wholly silent as to their restoration to me. And then he speaks of the seizure of my vessel, the trampling upon the flag, and my demand for reimbursement of the damages I had suffered.

Hubbard then speaks of an arrangement effected by the United States commercial agent, and says, that "after I had sold some goods which it would appear had been shipped on board the vessel on freight in Carthagena, to be delivered in

Rio de Hacho, and taken a few tons of logwood, I left Port-au-Prince." In this he adheres to his purpose of stating everything so as to bear an appearance unfavorable to me. In fact all that property had been sold and debarked before any trouble occurred, and wherever Hubbard learned that I had received it at Carthagena to be conveyed to Rio de Hacho he must at the same time have been informed of the reasons of my change of destination, and the manner in which I became the owner of the property. But it did not suit his malicious design to communicate these facts to the department.

He says my crew was very large—not less than twenty men—of all nations, but principally runaway Frenchmen and Spanirds. If he had applied to the United States commercial agency at Port-au-Prince, certainly the proper quarter for an American official to apply to for information of American ships and seamen resorting to that port, he would have learned that I arrived there with a crew of twelve beside myself, including clerk, steward, and cook, three who did no duty as seamen; and, after losing one by death and five by imprisonment, left with the same number, having lost something in the efficiency of my crew by shipping boys instead of able seamen, being, in fact, very light-handed for so large a vessel as the William. He would have learned that my crew were all Americans on my arrival, and all Americans and Frenchmen when I left, instead of being "of all nations," and not a Spaniard among them. As to their being runaways, I have no knowledge, and cannot conceive how Hubbard could have acquired any. I can only say that after leaving the five high-binders in jail at Port-au-Prince, my crew, though not efficient, five of them being boys, were orderly and of good behavior, except the villain and thief Miranda.

He says my real object in going to Port-au-Prince, which I endeavored to effect without success, was to engage fifty men and six women, Haytiens, for the given purpose of working a guano island. It is true that this was a part of my object, my other motive being to find a market for my cargo. But why

should Hubbard represent this object in an invidious light, and refer to my failure in it as if a wicked design had been baffled? Surely the purpose was one of legitimate commerce, and there is no reason to doubt that I would have succeeded if malice and cupidity had not combined to foment such difficulties with the Haytien government as caused me to abandon the enterprise.

All these matters of false statements and distorted truth Hubbard trumped up within two weeks of my seizure at Fort Liberty, showing clearly that he was concerting and confederating with the Haytiens to make up a case against me, and to report the case to the Department of State as, if possible, to close the doors of justice against me. He never applied to the United States commercial agency at Port-au-Prince, where proof existed of the falsity of most of the allegations against me which he sanctioned with his name.

If he had come to Fort Liberty, with whatever prejudices his mind might have been imbued and clouded, and, as was his right and duty, obtained possession of my papers, he would have held the proofs in his own hands of my innocence in regard to every charge ever imagined against me, and put it out of the power of my plunderers, Lilavois, La Motte, Carrie, and their associates, to carry out their nefarious schemes.

But the pursuit of justice and the performance of duty were not at that time the objects of Hubbard's attention. He was then only solicitous to uphold the Haytiens in the course they had resolved upon toward me, whether moved only by the desire to pay his court to them, or hoping also to participate in the plunder of my wealth, I cannot judge.

He proceeds to give a pretended account of my appearance off the coast on the 25th of March, to the northeast of Cape Haytien, and my gradual approach to and final entry at Fort Liberty on the 31st, in which he falsely asserts that I "sometimes anchored in the small bays and inlets of the coast," and one night particularly in a "small bay called Fondblanc, near the village of Caracol," adding, as a proof of some criminal

design, that "next morning a quantity of footprints were found in the sand on the beach." Not one word of this is true, and it seems to have been an original and gratuitous falsehood of Hubbard's, for the Haytiens, although they pretended to have such suspicions, did not assume to have received any proof of the facts; and even Miranda, my accuser, distinctly stated the contrary.

He says that on the 29th March I saluted an American schooner with the French flag, and furnishes what he calls an affidavit of Captain I. B. Gage to uphold the statement. I do not question the good faith of Captain Gage; but it is evident that he was not called upon by Hubbard to make his statement till after he had received my letter of 6th April, and was trying to drum up material to controvert my statements, and perhaps, not till April 11, the date of his answer to me, being certainly eight, and possibly thirteen days after the alleged salute.

And Hubbard, doubtless fearing that the lapse of time might detract from the weight of Captain Gage's statement, carefully suppresses the date; and Captain Gage, perhaps distrusting the accuracy of his recollection, withholds from his statement the sanction of an oath.

Yet Hubbard speaks of this statement of Captain
82 Gage, which he calls an affidavit, although destitute of date or oath, as substantiating against me an accusation of an act which he calls piratical.

But Captain Gage, in his description of the vessel which saluted him, clearly negatives the idea that it could have been the William; for he describes her as carrying royal yards, and being taut and shipshape, while the William did not, and could not, carry royal yards on account of the weakness of her topmasts; and no seaman would describe a vessel so disabled, and steering wild, with her rudder loose and unsteady, like that of the William, as taut and shipshape.

Let it be remembered, also, that this part of the Haytien coast and the port of Cape Haytien, are visited by great numbers of

French vessels, and it will not seem strange that Captain Gage's having received a French salute off the coast should be manipulated by Hubbard into apparent proof of criminal or suspicious acts by me.

And now I will speak, with entire candor, of my own actual fault. It is true that I did, in the surprise and terror of finding myself again in Haytian jurisdiction, deny my identity, and pretend to be French, and instruct my crew to carry out the deception. If my log-book, and the testimony of my crew, could be procured, it would be seen that I called my crew aft and stated the reason of the deception when I gave them their instructions. It is true that, by the officious kindness of General Gourgue in offering to convey a letter to the French vice-consul, I was induced to attempt the continuance of the deception, by causing a note to be written to that officer, in the character of a French subject and mariner, informing him that I would sail the next day, and would call upon him personally at Cape Haytien, hoping thereby to prevent his visiting the ship or port until I should be able to escape. It is true that I intended and endeavored to perfect and keep up this deception till I could so far repair my damages as to be able to escape out of Haytien waters.

What degree of criminality was involved in this error? Not any. It was no offence against any law; did not subject me, by any statute, or regulation of public law, to any punishment or forfeiture. Hubbard calls it piracy, in which he shows his ignorance equal to his malignity.

It was an imprudent and suspicious act, well calculated to arouse surmises of evil in the minds of such a people as the Haytiens, especially when re-inforced by accusations of criminal intentions, such as were denounced against me be Miranda.

I do not complain that suspicion was aroused. I do not complain that rigid investigation was ordered. But does investigation necessitate dungeons, chains, and torture? Does suspicion justify conviction?

Had I not adequate excuse for any stratagem by which I could avoid or escape the power of these barbarians? My ship had been unlawfully seized by the police at Port-au-Prince. The flag of my country had been trampled upon and insulted by them. They had inflicted great and wanton damage upon me, and after promise of redress, it had been withheld. Threats had been showered upon me, that any efforts to procure justice through my government should be resisted and defeated. I had been driven to abandon the principal commercial object of my voyage, the procuring of a cargo of guano. Bribery had been employed to procure false testimony against me. I had been ostentatiously and insolently chased to sea by a public armed ship. For all these insults and wrongs I had given no provocation whatever. I could anticipate nothing but repeated acts of oppression and spoliation if I should again fall into the hands of those who had shown themselves unscrupulous in the abuse of power. Having, after most strenuous efforts to avoid it, drifted upon their coast with a disabled ship, and a week and inefficent crew, and entered a bay with a narrow entrance under a misapprehension, thinking it was Porto Palta, from which I could not sail out again except by aid of the land breeze at night, my first and controlling thought was to make sure of my escape. I resorted to the expedient of denying my identity, and feigning a different nationality. I speak several languages, but decided to pass for French because the French have more commerce, and are in greater favor on this coast than any other nation, and because a part of my crew were French and talked that language, which is also the language of the country.

Looking back, after all I have suffered, and reflecting coolly upon the circumstances in which I was placed, I cannot reproach myself for the course I adopted. Had I been in command of a vessel belonging to other owners, I should have felt it my duty to employ every means, short of actual force, to rescue ship and cargo from the danger into which adverse fortune had betrayed me. I was, on the contrary, sole owner of

ship and cargo; but this fact did not diminish my anxiety to escape.

My use of the French flag at the fore masthead as a pilot signal, and feigning to be French, were never charged against me as a crime, except by Hubbard, to excuse his abandonment of me to the cruelties of my enemies. Even the French vice-consul, Meneau, although equally with Hubbard mixed up with the Haytiens in his family relations, and very bitter in his hostility to me, anxiously and officiously interfered to examine and verify my papers, and to protect such of my crew as claimed to be French subjects.

It was only the Americans who were shut up in dungeons, subjected to irons and torture, and deprived of all aid and counsel, even on trial, except that afforded by enlightened and benevolent Haytiens, at the peril of imprisonment.

Hubbard makes several minor misstatements about proceedings at Fort Liberty, and then ignorantly and falsely denies
that I had raised the American flag at the time of my
83 seizure. He assumes to support this denial by a letter
from Meneau, French vice-consul, who was as little able as himself to give information on the subject, not having been within eight miles of me at the time, for I was seized at the mouth of the harbor, opposite the lower fort, while Meneau never came below the town at the head of the bay, eight miles above.

The American flag was flying at the peak when I was seized.

Finally, Hubbard, without stating his authority, (for bear in mind he never saw the bark, nor me, nor any of my crew,) says that "after leaving Port-au-Prince the name of the vessel and port to which she belonged was erased from the stern of the bark, and she bears on her hull no indication or mark of her name or nationality."

The Haytiens never had any proof of such a fact. I never heard that they pretended any such thing—and certainly no such fact ever existed.

At last Hubbard gives his opinion that I intended to kidnap

Haytiens and sell them into slavery. He acknowledges the incredibility of the design, but thinks I would probably have accomplished it, but for the timely discovery which baffled me.

To show how gratuitous and absurd such an opinion is, needs only a moment's reflection.

Passing over the condition of my ship, damaged beyond the possibility of thorough repair on a coast so destitute of facilities, short of provisions, short of water, and with a crew of only four able seamen, including officers, beside myself, the rest being boys and landsmen, let us inquire where a market could be sought for a cargo of Haytiens, people accustomed to most of the habits of civilization, talking the French language, and possessing more or less knowledge of literature. Single instances of successfully kidnapping free persons in the midst of civilized communities, and selling them into slavery, have doubtless sometimes occurred, but the act in any such case must have been facilitated by great ignorance on the part of the victim, for even in the most benighted slaveholding portions of the United States, public opinion has always promptly rallied to the rescue of a person so wronged, when his case became known. But to carry out such a purpose with people like the Haytiens, to the extent of a cargo, or any considerable number, would be utterly impossible. A person who should commit such a crime with momentary success, would be hunted through Christendom, and nobody would grant him protection.

The papers taken from me by the Haytiens included my ship's papers with all the documents connected with her purchase and outfit, documents relating to all the business transacted at the various ports and places touched at on the voyage, and a great number of private papers relating to business I had been and was engaged in, my certificate of naturalization, sundry deeds of real estate, and a large amount of miscellaneous correspondence and papers. These papers showed that I had been for many years and still was engaged in legitimate and respectable business, and that all my proceedings on this

voyage, especially my transactions with Cortez, had been regular and honest.

There are various proofs that they carefully examined all these papers, and were thus thoroughly informed of my innocence in regard to all matters which they alleged against me. Having my certificate of naturalization in their possession, and probably thinking it could not be replaced, they pretended to this government to doubt my citizenship, and suggested an inquiry into the fact. They found some letters from the New Orleans house with which I was connected, written after the commencement of the voyage, referring to the return cargo I was expected to bring, and speaking of having visited several plantations and found the demand so encouraging as to justify the bringing of a full cargo, much more than we had at first contemplated. These letters, because guano, the article to which they related, was not named in them, they pretended to believe referred to slaves, though they have never attempted to explain when or in what manner the West Indian seas had, or was to, become a source of supply for slaves, except by the absurd notion of kidnapping Haytiens. From these papers they got the clue which led them to seek the testimony of Caño and Cortez, for which purpose they sent for them, eight or nine months after the events in which Cortez was interested, to Santa Martha, where they caused them to make a protest in the British consulate, which had never before been thought of, and brought them to Port-au-Prince, and consummated their villainy, which was rewarded by the receipt of $4,000 of my money for their fraud and perjury.

When the papers from Mr. Eden arrived, to replace those rifled from me by the Haytiens, the government immediately paid off Caño and Cortez, aud they ran away to avoid a prosecution.

It is evident that the Haytiens desired and sought to produce my death by their cruelties, in order to escape responsibility to my government for the wrongs they had been guilty of. It is also clear that they had the same object in view in

their repeated endeavors, through Mr. Whidden and others, to induce me to sue for a pardon.

It is not wonderful that they wished, by any means, to bar the door against just reclamation.

The value of the property of which they despoiled me, nearly half of which was in money and gold, was full one hundred thousand dollars.

The following is a statement of what the said property was, as nearly as I have now the means of making it:

The bark William, with tackle, &c.		$35,000
	Gold dust	32,000
84	French five-franc pieces	$3,000
	American gold double eagles	3,000
Spanish gold coin		2,000
Provisions and stores		6,000
Pearls		800
Panama hats		1,200
Library		500
Speaking trumpet, (a present)		500
Instruments		2,000
Silverware		800
Cargo		4,000
Wearing apparel		500
Watches, gold buttons, rings, &c		500

A more full and complete statement was once made out and placed, with the proofs, in the hands of Mr. Whidden, who probably has it now in his possession.

Besides this, among the direct consequences of my imprisonment and detention, was the entire loss of my investment with Delaunay, Rice & Co., of New Orleans, amounting to $50,000.

Also the loss of sundry parcels of real estate, on which I had paid the greater part of the purchase money, giving mortgages, by which the property, during my confinement, was swept from me. The purchase money paid on such property, which has thus been lost, amounted to	$49,000
Also the sacrifice of claims in litigation, amounting to more than	400,000

And the loss of demands and claims of divers description, which for various reasons, though then good, I cannot now enforce $23,000

Add to these pecuniary losses the far greater loss of near three years of the heart of my life.

Add still to this the terrible and inhuman tortures and sufferings to which I was subjected for more than two years in dungeons and chains.

And, finally, chief of all, the ruin of an elastic and vigorous constitution, which has borne me through many labors and vicissitudes, during a life of exceeding activity, and enabled me, as yet, though barely, to survive the hardships of my imprisonment; but is now prostrated, with little hope of recuperation.

All these things I have suffered, being guilty of no crime.

It sometimes happens that in awarding justice between parties, although no doubt may exist as to what the rights of the contending parties are, a strong sympathy is excited for the loser in the controversy, on account of apparent hardship in the decision.

No such feeling can intervene to protect the Haytiens from their obligation to render me full justice.

They were not misled. The suspicions they might once have entertained in regard to my being a slaver were soon disarmed, shown to be groundless, and abandoned by them.

They then turned up a fictitious charge of piracy, holding the proofs of my innocence in their own hands, and proceeded, in their own flagrant wrong, to my condemnation, spoliation and punishment.

They tortured me before any pretended conviction, and outside of any sentence, with dungeons, irons, stonings, beatings, mobbings, and starvation, in contempt of all usages of civilization, and in outrage of humanity, to a degree that would justify their condemnation in a fine of larger amount than all I claim.

I ask of my government that reparation be demanded and

enforced from the republic of Hayti for the losses and sufferings inflicted on me.

I do not wish to embarrass my government in the midst of domestic disturbances, with a foreign controversy in my behalf, which will involve any present expenditures or sacrifices; for although I have a right to wealth and its comforts, and am now in actual destitution and want, I am yet more solicitous to be recognized by the government as a meritorious claimant, free from the taint of felony with which the Haytiens have sought to brand me, than for a speedy recovery of what will be adjudged to be my just due.

I have two young sons, American citizens by birth, of the ages of nine and ten years, for whose sake I am chiefly anxious for early action, to the end that they may be brought up and educated suitably to the condition in life in which by birth and connection they belong.

I submit to the honorable Secretary of State to fix the amount of damages to which I am entitled, and to prescribe the time and manner of compelling reparation.

The documentary evidence to sustain this memorial, on file in the Department of State, or presented herewith, and which is believed to uphold it in every material statement, is as follows:

1. My certificate of naturalization.
2. Protest of J. N. Lewis, United States commercial agent.
3. Sundry despatches of Mr. Whidden.
4. Affidavits of Thibodeau, Collar, and Brown.
5. Affidavits of William Eden, jr., and others, magistrates and shipmasters of Grand Caymans.

85 6. Affidavit of Captain Matthew Stubbs.

7. Affidavits of Captain Thompson, and others, of Grand Caymans.

8. Affidavits of Messrs. Wilson and Mercer.
9. Affidavit of Joseph N. Lewis.
10. Affidavits of sundry persons as to character.
11. Act of condemnation, and sundry letters.

12. A piece of copper from one of the broken pintles of the rudder of the bark William.

There are many other documents in the United States legation at Port-au-Prince, which will doubtless be filed by Mr. Whidden.

Having confidence that the evidence on file is abundant to sustain my case, I would nevertheless suggest that friendly parties are constantly proffering further testimony, and if I could have time and means I could prove in detail all the statements of this memorial, down to minute particulars. If therefore the honorable Secretary of State should, by possibility, doubt the sufficiency of my proofs, I respectfully beg leave to add to them, when I can in any way acquire the means to procure testimony in Hayti.

I submit my case, involving my future prospects and the hopes of my children, to the justice of my country.

I have the honor to subscribe myself, Mr. Secretary, very respectfully, your obedient servant,

ANTONIO PELLETIER.

B.

UNITED STATES OF AMERICA, STATE OF NEW YORK,
City and County of New York, ss:

Be it remembered, that on the sixth day of October, in the year of our Lord one thousand eight hundred and sixty-two, Antonio Pelletier appeared in the court of common pleas for the city and county of New York, (the said court being a court of record, having common law jurisdiction, and clerk and seal,) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the direction of the act of Congress of the United States of America, entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed April 14, 1802; and the act entitled "An act for the

regulation of seamen on board the public and private vessels of the United States," passed March 3, 1813; and the act relative to evidence in cases of naturalization, passed March 22, 1816; and the act entitled "An act in further addition to an act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed May 26, 1824; and an act entitled "An act to amend the acts concerning naturalization, passed May 24, 1828; and an act to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed June 26, 1848; and "An act to secure the rights of citizenship to children of citizens of the United States born out of the limits thereof," passed February 10, 1854. And the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oaths as are by the said acts required; thereupon it was ordered by the said court that the said applicant be admitted, and he was accordingly admitted to be a citizen of the United States of America.

In testimony whereof, the seal of the said court is hereto affixed this fifteenth day of June, in the eighty-seventh year of the independence of the United States.

By the court:

[SEAL.] N. JARVIS, JR., *Clerk*.

C.

JAMAICA, *ss*:

I, Mathew Stubbs, do hereby solemnly declare that in the year 1861 I was commanding the schooner Alma, which was, at that time, employed in carrying her Majesty's mail between Nassau, Turk's island, and St. Thomas, and belonged to Turk's island. Some time in February of that year, being off the Caicos banks, we saw a bark steering a dangerous course and expected every minute to see her go on the rocks, and we came to anchor in the evening, and at about 9 o'clock p. m. we (the

owner of the vessel and myself) put off (from our schooner) in a boat for the purpose of ascertaining if anything had happened to the bark which we had last seen in a dangerous position, and of rendering her assistance if necessary; and after rowing in the dark for some time we came up with her and found her at anchor in less than two fathoms of water in a most dangerous position. We found her to be the bark William, Captain Pelletier, who stated, in answer to our inquiries, that his vessel had just been on shore off the reefs of Inagua for eighteen hours; and that he had just managed to get off with the loss of his false keel, both topmasts sprung, and three of the pintles of his
86 rudder broken, and the loss of his starboard chain and anchor. We then went on board, and to our surprise found that the captain did not know where he was; he said, on our remarking to him the anxiety we felt in seeing the dangerous course that he was steering when we saw him, that he thought himself between Grand and Little Inagua, and we informed him that he was on the banks of Caicos. He accounted for this error by the derangement of both of his chronometers, caused by the bumping on the rocks during the eighteen hours that he was ashore. The owner spent the night on board and I returned to her next morning. We verified by ocular demonstrations that the ship was in distress, her rudder being slung by means of a chain passed through a hole made in it, and steering effected by means of tackles on both sides. Captain Pelletier thanked us for the information that we had given him, and bought of us an anchor and chain to replace the one that he had lost, and paid us for it in one package containing one pound of gold dust, and we returning one hundred dollars in American gold. He also bought from us some provisions. We have since, to our great astonishment, heard that a few days after the vessel was seized by Hayti and confiscated, and that Captain Pelletier was tried and condemned to death as a pirate. We therefore solemnly declare that in his intercourse with us on the occasion referred to he behaved in every way as a perfect gentleman, and that it would be the height of

folly to believe that a vessel in the distressed state in which we saw the William, and manned by such mere boys as her crew was mostly comprised of, could go on such a dangerous expedition as kidnapping and piracy. I further solemnly declare that it would have been the height of imprudence if Captain Pelletier had continued his voyage without first repairing his damage.

MATTHEW STUBBS.

KINGSTON, *December* 17, 1863.

CONSULATE OF THE UNITED STATES,
KINGSTON, *December* 17, 1863.

I, the undersigned, consul of the United States for the port of Kingston, Jamaica, and the dependencies thereof, do hereby certify that the foregoing is the true and genuine signature of Matthew Stubbs, a shipmaster of the Turk's island, known to me as such, and that the said Stubbs this day personally appeared before me and subscribed the foregoing declaration and made solemn oath that the same is true.

Given under my hand and the seal of the said consulate the day and year above written.

[SEAL.] F. H. RUGGLES,
United States Consul.

D.

Robert Thomson, shipmaster, of Grand Caymans, West Indies, being duly sworn, declares, deposes, and says that he knows Captain Antonio Pelletier, formerly master and owner of the American bark William, and was at Grand Caymans in the month of December, 1860, when the said Pelletier was there in the said bark, said to have a cargo of lumber on board, which he was desirous to sell, so as to clear her hold for the reception of guano; and this deponent knew of some negotiation between said Pelletier and Mr. Eden, of Grand

Caymans, for the sale of said lumber, which negotiation did not result in a sale, because Mr. Eden could only pay in mahogany, which would occupy the hold of the bark in like manner with the lumber.

ROBERT THOMSON.

CONSULATE OF THE UNITED STATES OF AMERICA,
KINGSTON, JAMAICA, *April* 13, 1864.

I, the undersigned, consul of the United States for the port of Kingston aforesaid and the dependencies thereof, do hereby certify that the above named Robert Thomson this day appeared before me and in my presence subscribed the foregoing declaration, and made solemn oath that the same is true.

Given under my hand and the seal of this consulate the day and year above written.

F. H. RUGGLES, [SEAL.]
United States Consul.

E.

John Yates, seaman, of Grand Caymans, West Indies, being duly sworn, declares, deposes, and says that he knows Captain Antonio Pelletier, formerly master and owner of the American bark William; that he was at Grand Caymans aforesaid when the said Pelletier arrived at that island in the said bark William in the month of December, 1860; that he was on board the said bark William on that occasion, in the said month of December, employed about getting water, provisions, and stores aboard the said bark, or otherwise preparing her for departure from the said island, and became acquainted
87 with the cargo of the said bark then on board; that she had a full cargo in her hold of pitch-pine lumber, and it was stated that her deck-load of the same character had been left at Carthagena; that he was present when the said Pel-

letier, during the said month of December, made an agreement with Captain James P. Bodden, then of Grand Caymans, since deceased, by which said Bodden agreed to load the said bark with guano for the sum of $800, the said Pelletier furnishing provisions for his laborers while employed in loading said bark, and the said agreement being dependent upon the condition that said Pelletier should be able to sell his cargo of lumber, so that the hold of his vessel might be ready for the reception of the guano; that he knew of some negotations of the said Pelletier with Mr. Eden, of Grand Caymans, for the sale of the said lumber, which negotiation did not end in a sale because Mr. Eden could only pay in mahogany, which would have occupied the hold of the bark in like manner with the lumber, for which reason, as was stated and seemed apparent, said Pelletier was obliged to leave Grand Caymans with his cargo of lumber to seek another market for the same, and did accordingly clear his vessel and sail for Port-au-Prince, in Hayti.

JOHN his + mark. YATES.

Witness:
FRED. W. COOPER.

CONSULATE OF THE UNITED STATES OF AMERICA,
KINGSTON, JAMAICA, *April* 13, 1864.

I, the undersigned, consul of the United States for the port of Kingston aforesaid and the dependencies thereof, do hereby certify that the above-named John Yates this day appeared before me and in my presence subscribed the foregoing declaration, and made solemn oath that the same is true.

Given under my hand and the seal of the said consulate, the day and year above written.

F. H. RUGGLES, [SEAL.]
United States Consul.

F. H. Thomson, of Grand Caymans, West Indies, being duly sworn, says that he has heard the above affidavit of John Yates

read, and knows the contents thereof, and that, of his own knowledge, he knows the contents of said affidavit to be true.

F. H. THOMSON.

Subscribed and sworn to before me, April 16, 1864.

F. H. RUGGLES, [SEAL.]
United States Consul.

F.

[Translation.]

OFFICE OF MR. L. PRADINE, ADVOCATE,
PORT-AU-PRINCE, *August* 16, 1862.

SIR: I was not able to reply sooner to the letter which you did me the honor to address me, as well on the account of a lasting fever which prevented me from doing anything, as because of the illness of my children, affected by the prevailing epedemic.

I do not lose sight of the affair of Pelletier. I am doing all I can; but I do not find here the readiness and good will which would aid me to overcome all the difficulties. God alone could cause the light of truth to pierce those biased hearts. Up to now all steps have failed; but let us wait. For my part, I do not lose a single occasion to speak a word in favor of the unfortunate in whose behalf you interest yourself with so much reason.

From the documents emanating from the American consul at Grand Caymans, and which I have already transmitted to Pelletier, you will be convinced that the poor man is entirely innocent of all he has been accused of with regard to the coasts. His opinion of this count demonstrates the fallibility of human decisions. But what is to be done? There is no appeal from the decrees of the court of cassation. As to the other counts in the indictment, the zeal which I showed in the defence of Pelletier will sufficiently prove to you that I do not deem them better grounded. To convict a man on his

presumed intentions, when those intentions have not been manifested by any overt act, is expesing oneself to commit many a judicial blunder. Our judges have not sufficiently considered the matter.

It gives me pleasure to learn that you interest yourself in behalf of Pelletier. He is much to be pited.

Receive, sir, the assurances of my full consideration.

LINSTANT PRADINE.

Mr. A. Folsom,

Commercial Agent of the United States at Cape Haytien.

---

88 G.

Charleston, Illinois, *June* 22, 1864.

Friend Wilson: Yesterday I had the pleasure of reading your kind letter of the 17th instant, and was very glad to hear from you and know that you still remembered me. I have received letters from Captain Pelletier, and have given him all the information and assistance in regard to his misfortune that I could. I am glad that he is free from that horrible prison where he has suffered so much, and hope he will get full satisfaction for all his wrongs and sufferings. Poor fellow! I don't see how he lived so long in that dreadful place. I hope he will get full pay. If you write to him, please say I have sent him the answers to the questions, and have testified to them before the proper authority, which I hope will answer his purpose. * * * * * * * * *

Very truly yours,

J. N. LEWIS.

H.

Commonwealth of Massachusetts,

Superior Court, Suffolk, ss:

I hereby certify that Lyman Mason was, at the date of the within attestation, a justice of the peace, within and for the

said county, duly commissioned and sworn; that due faith and credit are and ought to be given to his official acts; that he is duly authorized to administer oaths and take acknowledgments, and that his signature is genuine.

Witness my hand and the seal of said court, at Boston, in said county and commonwealth, this sixteenth day of June, A. D. eighteen hundred and sixty-four.

JOS. A. WILLIARD,
Assistant Clerk.

I, William W. Wilson, of Boston, Massachusetts, do declare, depose, and say, that I am acquainted with Antonio Pelletier, formerly master and owner of the American bark William, of New Orleans; that I was at Port-au-Prince, in Hayti, in the month of May, 1861, when said Pelletier was brought there from Cape Haytien a prisoner in irons, and saw him marched through the streets of Port-au Prince, shackled and bleeding from the galling of his irons, surrounded by a numerous and savage crowd, for a distance much greater than was necessary to reach the place where he was to be confined; the said crowd pelting him with stones and cutting him with weapons, and he leaving a track of blood on the way; that I afterward often saw him in prison, and visited him there from time to time up to the last of April, 1863, when I left Port-au-Prince. At first he was confined, still ironed, in a small dark dungeon, suffering from want of food, and I called on Mr. Lewis, the United States commercial agent, with whom I made some arrangements to keep him from starving. It was by special favor of General La Motte, minister of police, that I was permitted to visit and relieve said Pelletier. Afterward in the latter part of the year 1862, or beginning of 1863, Pelletier was placed in another dungeon of the same description, about eight feet square, but the door was left open part of the time, affording him some light, and he was relieved from irons. Here he was also nearly starved, and had to depend upon uncertain charity for most of his subsistance. When I last saw

him in April, 1863, he was feeble and emaciated from hardship and exhaustion, and I thought he would soon die.

WILLIAM W. WILSON,
Engraver, 14 *Kilby street, Boston, Massachusetts.*

Subscribed and sworn to before me, June 16, 1864.

LYMAN MASON,
Justice of the Peace.

JUNE 16, 1864.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

Then personally appeared the above-named William W. Wilson, and made oath that the foregoing certificate by him subscribed is true.

Before me:

LYMAN MASON,
Justice of the Peace.

I.

CITY AND COUNTY OF NEW YORK, *ss:*

I, G. H. Mercer, of New York, do declare, depose and say, that I know Captain Antonio Pelletier, formerly owner and master of the bark William, of New Orleans; that I was at Port-au-Prince, in Hayti, in the month of May, 1861, when said Pelletier was brought there from Cape Haytien a prisoner.

89 I afterwards accompanied a Mr. Wilson, who had obtained leave from General La Motte to visit said Pelletier in prison, where we found him in a small, dark dungeon, or cell, about eight feet square, chained and lying on the bare floor. Wilson and myself carried food to Pelletier. After we handed it to him, he, the said Pelletier, gave me his watch to sell and procure him more food, which I took for that purpose, but the jailor seized it from my hands, put it in his pocket and retained it, saying he would take charge of that.

G. H. MERCER.

Subscribed and sworn to before me, June 20, 1864.

[SEAL.] DUGLAS A. LEVIEN, JR.,
Notary Public, New York.

K.

STATE, COUNTY, AND CITY OF NEW YORK, *ss:*

L. W. Tinelli, a counsellor-at-law of the city of New York, being duly sworn, doth depose and say, that he knows Captain Antonio Pelletier, with whom he became acquainted in the year 1852 or 1853, when said Pelletier was established in shipping and commission business in the city of New York, and was at the head of the Australia clipper ship line; and that he, deponent, had business transactions with the said Captain Pelletier when, in 1856 or 1857, he was one of the managers and directors of the Maldiere Shoe Manufacturing Company. Deponent further says, that, as far as he could see or learn, said Pelletier had a very respectable standing in the commercial community, and had a good reputation as an intelligent and enterprising man of business. He further says not.

L. W. TINELLI.

Subscribed and sworn before me, this 14th day of June, 1864.

[SEAL.] MATHIAS GOETZEL,
Notary Public.

K 2.

STATE OF NEW YORK, *City and County of New York, ss:*

Joseph McMurray, ship chandler, being duly sworn, deposes and says, that he has known A. Pelletier, of the city of New York, since 1858, a portion of that time residing in the city of New York, and have had business transactions with him, and have always found him an upright, straightforward business man, and worthy of respect.

JOS. McMURRAY.

Sworn to before me, this 16th day of June, 1864.

A. P. ROTH,
Notary Public.

K 3.

Arthur Wellington Hart, now employed in the office of the Commissioner of Internal Revenue, at Washington, being duly sworn, says, that he knows Captain Antonio Pelletier, of New York, and has known him since the year 1852 till 1858 or 1859, during which time he was in business in New York as a shipping merchant in the Australian trade, and engaged in various manufacturing enterprises. And the deponent further says, that he always understood Captain Pelletier to be a man of good reputation for business enterprise and integrity, and never heard anything to the contrary. Captain Pelletier was known as a man pursuing pure commercial enterprises, whether in shipping or manufactures, and this deponent cannot believe that he ever was engaged in any illegitimate enterprise, as he and others, connected with the shipping trade of New York, looked upon him as a man of strict honor and commercial integrity.

A. WELLINGTON HART.

Sworn before me, this 18th June, 1864.

[SEAL.] CHAS. WANNALL,
Justice of the Peace.

---

90 K 4.

A. F. Favarger, of Detroit, now secretary of the Pacific Railroad Committee of the United States Senate, being duly sworn, says, that he knows Captain Antonio Pelletier, of New York, and knew him from the year 1850 to 1858, during which time he was engaged in business in New York as a

shipping merchant in the Australian trade, and connected with various manufacturing enterprises. And the deponent further says, that he always understood and regarded Captain Pelletier to be a man of enterprise and integrity in business, sustaining a good reputation, and never heard anything to the contrary.

A. F. FAVARGER.

Subscribed and sworn to before me, June 11, 1864.
[SEAL.] M. H. N. KENDIG,
Notary Public.

K 5.

STATE OF NEW YORK, *City and County of New York, ss:*

Jesse H. Pomroy, shipwright and caulker, No. 301 Front street, of the city of New York, being duly sworn, deposes and says, that he is a resident of the said city of New York, and has been for many years; that he is acquainted with A. Pelletier, of the said city, and has been since about the year 1850, and that during that time he has had frequent business transactions with him, and in some instances to a large amount, and that in all his intercourse with him he has invariably found him honest and faithful in all his engagements. And deponent says, that since the year 1850 the said A. Pelletier has resided in the said city of New York, and has been uniformly engaged in the shipping business, and most of the time engaged as a shipmaster and sailing out of the port of New York, and to his knowledge has invariably enjoyed the confidence of his ship-owners and commercial men generally. And deponent further says, that the said A. Pelletier has always enjoyed the reputation of an exemplary citizen and an honest man in all his relations with the community. And further deponent saith not.

J. H. POMROY.

Sworn to before me, this 15th day of June, 1864.
[SEAL.] GEO. PEYTON,
Notary Public, &c.

K 6.

STATE OF NEW YORK, *City and County of New York, ss:*

Henry King, druggist, being duly sworn, deposes and says, that he resides in the city of New York, and is acquainted with A. Pelletier of the said city, and has known him for many years past; and that during his acquaintance with him has uniformly found him to be an upright man and good citizen; and in his business transactions just and honorable.

And deponent says, that for many years past the said Pelletier has resided in the city of New York, and has known him as engaged in the shipping business, and for many years engaged as a shipmaster, sailing out of the port of New York, and enjoying the confidence of commercial men and citizens generally.

And deponent further says, that in all the relations of life he believes A. Pelletier has uniformly had the good will and confidence of the public, and that with business men especially he is regarded as an honest man.

HENRY KING.

Sworn to before me, this 15th day of June, 1864.
[SEAL.] GEORGE PEYTON, *Notary, &c.*

K 7.

STATE OF NEW YORK, *Rensselaer County:*

Marcus Ball, of the city of Troy, in said county, being duly sworn, says he has known Captain A. Pelletier for many years; that about the years 1856 and 1857 said Pelletier resided with his family in the city of Troy aforesaid, and was engaged in the manufacture, with others, of boots and shoes,

doing quite an extensive business, and deponent then regarded him and believed him to be a citizen of said State, and every way reputable and a loyal citizen.

M. BELL.

Sworn before me, July 5, 1864.

F. W. ACKLEY,
Commissioner of Deeds, Troy.

---

91 L.

Mr. Lewis to Captain Pelletier.

CHARLESTON, ILLINOIS, *June* 21, 1864.

MY DEAR SIR: I was absent from home when your letter arrived, is the reason you have not heard from me before. I am very glad, indeed, to know that you have escaped from that dreadful and loathsome prison, and once more enjoying your liberty, and far from those who rejoiced in your sufferings. I have often thought of you in your captivity, and do hope that you will be fully compensated for all the wrongs that you have received. In answer to the questions that you have sent me, I will answer as far as I am positive of the facts.

1. Your ship's papers were correct and delivered to me in due time.

2. I was told that you had some powder on board, and that the Haytien government took it; do not remember much about it as to its being sold.

3. It is true that the government officers went on board at night, and some dispute arose; that you ordered the flag to be laid down at the gangway, and the police trampled upon it; which is the evidence given by your officers and crew before me, and that you was obliged to leave the ship for several days.

4. You did go with me to see the President of Hayti, and an explanation was made of the affair, and you was restored to the command of your ship; presenting afterwards your claim for damages, which was not paid or any attention given to it.

5. I do not remember the amount that you claimed at the time, but only know that you did not receive anything for the damage done to your ship.

6. I was told that Mr. Smith did make an offer to the men to make affidavit in his favor, but do not know the particulars.

7. I did go on board the bark William, before sailing, and took the names of some of the crew, who had not signed protest at my office.

8. I did write to the minister of foreign affairs regarding the ship, and stating that it was not unusual for some vessels to carry hand-cuffs in case of need.

9. While on board the bark William I did not see anything out of the ordinary way of all vessels to cause any suspicion on my part; the said vessel being ready for sea or another port, as I think she was in ballast.

10. After the ship left the port of Port-au-Prince I heard no more of said vessel until I was informed that said bark William was captured off Fort Liberty, and the officers and crew were taken prisoners, and were being brought to Port-au-Prince. I did hear that the treatment to Captain Pelletier was most cruel in the extreme.

11. I am sure that the food provided by the Haytien government is not sufficient or proper to sustain life, especially for foreign prisoners, and if they were not supplied by friends, or had the means to buy food, I do believe they would starve, as the treatment to prisoners is most brutal, as I have seen myself.

12. It is true that when Captain Pelletier was taken prisoner he was deprived of all his ship's papers, and almost everything of value that he possessed, even his clothing, as I am informed.

The foregoing is a true statement of facts which transpired

while I was United States consul at Port-au-Prince, and to which I am willing to testify at any time.

Very truly yours,

J. N. LEWIS,
Ex-United States Consul.

STATE OF ILLINOIS, *Coles County, ss:*

Personally appeared before me Joseph N. Lewis, who first being duly sworn, deposes and says the facts set forth in the above statement of facts are true and correct, as he verily believes.

In testimony whereof, I have hereunto set my hand and affixed the official seal of the said court, at Charleston, this 21st day of June, A. D. 1864.

[SEAL.] JACOB J. BROWN,
Clerk.

[Translation.]

LIBERTY—EQUALITY—REPUBLIC OF HAYTI.

Extract from the minutes of the clerk of the civil court of Port-au-Prince.

In the name of the republic:

The civil court sitting at Port-au-Prince, duly assembled at the Palace of Justice, has rendered in its criminal attributions the following judgment:

Having considered, 1st, the ordinance directing re-
92 turn to this court in which is inserted, that for the
arrest of persons rendered by the chamber of council of this jurisdiction, the 25th of July of this year, against the persons named: 1st, Antonio Pelletier; 2d, Thomas Collar; 3d, John Henry Brown; 4th, Urbain Caostaing; 5th, Picault Louis Jean Baptiste Benjamin; 6th, Millet Pierre Henry; 7th, Alexander Thibodeau; 8th, Curtois François; 9th, Louis Maurice; 10th, Rogan Teves Guillaun; 11th, Dean Alexander

Herrant; 12th, Louis Legallin, accused of piracy; of dealings in the slave trade; of robbery by force of arms, &c., &c., either as principals or accomplices.

2. The act of accusation drawn up in accordance with the above-mentioned ordinance by citizen J. J. Lilavois, substitute of the government commissioner to the court, the whole duly made known to the said accused.

3. The order of the court of cassation of the republic, which devolved the accusation on the criminal court under date of 24th instant.

4. The affirmative declaration of the jury this day finding that the accused, Antonio Pelletier, as a principal in piracy, in fraudulent taking of property in open sea and at the Grand Caymans, to the wrong and injury of Messrs. Caño and Juan Cotis, by force of arms, accompanied by violence and with threats of assassination; and of attempts at slave-trading and with piracy on the coasts of Hayti, (the sales whereof they completed at Port-au-Prince.) Considering that in the same declaration the accused, John Henry Brown, Thomas Collar, and Urbain Caostaing, have been declared accomplices in the attempts at piracy and slave-trading on the coasts of Hayti.

Having heard the aforesaid accused in their measures of defence offered by themselves and by Messrs. Clavier Camille Nau and Guegnevon, of counsel for the three last accused.

Having in like manner heard Mori St. Amand, A. Chauce, and Archin, appointed for Messrs. Caño and Cotis, civil parties in the suit, in their conclusions bearing on the claim on the one part for Mr. Antonio Caño for the sum of $5,728.28 in specie, as well for the value of the merchandise, the interest on that value, and damage interest; and on the other hand for Mr. Juan Cotis for that of 5,000 piastres for damage interests.

Having in fine heard the citizen J. J. Lilavois, substitute for the government commissioner on these requisitions, reduced to writing, for the application of the penalty attached to the case.

Considering that by the affirmation declaration of the jury this day, the accused, Antonio Pelletier, has been found guilty of piracy, and of the fraudulent abstraction on the open sea and at the Grand Caymans of merchandise to the injury of Messrs. Antonio Caño and Juan Cotis, by force of arms, with violence and threat of assassination.

Considering that this fact, thus declared proven, constitutes against the said Antonio Pelletier a crime provided for and punished under articles 5 and 6 of the code of criminal instruction; 3d, title 2, of the law of 8th April, 1815, on piracy, and the articles 10, 326, and 334 of the penal code.

The first thus stated:

ARTICLE 5. Every Haytien who shall be guilty outside of the territory of Hayti of a crime bearing against the peace of the state, by counterfeiting national coins, having currency, national paper, bank bills authorized by law, shall, as soon as he shall be taken, be prosecuted, tried, and punished in Hayti according to the provisions of the Haytien laws.

The second bearing—

ART. 6. This provision shall be extended to foreigners, who, as principals or accomplices in the like crimes, should be arrested in Hayti, or who the government shall obtain by extradition.

The third thus:

ART. 3 of title 2, first line. Every individual tried and convicted of piracy, and who shall not have committed assassination, shall be condemned to five years in irons; and in case of repetition, to ten years in like manner in irons.

The fourth thus conceived:

ART. 10. The penalty and special confiscation, whether of the *corpus delicti* when the property therein belongs to the guilty, whether of articles produced by the crime, or of such as have served, or which have been destined for its perpetuation, are the punishments common to criminal and correctional matters.

The fifth disposition:

Art. 326. Robbery commited by force of arms shall be punished with death.

The sixth concluding:

Art. 324. Whoever takes fraudulently a thing which does not belong to him is guilty of robbery.

The reading whereof aloud was made by the dean.

Considering that the accused, John Henry Brown, Thomas Collar, and Urbain Castaing, have been declared guilty of the fact of complicity in attempted piracy and slave-dealing on the coast of Hayti; considering the facts thus stated to be evident constitute against the accused, John Henry Brown, Thomas Collar, Urbain Castaing, the crime provided for and punished by article 3 of title 2 of the law of the 8th of April, 1815, and by articles 44, 2, and 20 of the penal code.

The first thus:

Art. 3, first line. Every individual accused and con-
93 victed of piracy, and who shall not have been guilty of assassination, shall be condemned to five years in irons; and in case of repetition, to ten years likewise in irons.

The second thus conceived:

Art. 44. The accomplices of a crime or offence shall be punished with the like penalty as the principals in said crime or offence, saving in the cases for which the law shall have otherwise provided.

The third provision:

Art. 2. That every attempt at crime which shall have been manifested by outward acts, and followed by beginning to put them into execution, if that has not been suspended, or not failed of its effect only through fortuitous circumstances, or such as were independent of the will of the principal, is regarded as crime and shall be punished by imprisonments, the continuance of which shall be in proportion to the gravity of the case.

The fourth stipulating:

Art. 20, first line, in fine provides, that every individual, of

the one sex or the other, who shall be condemned to the punishment of seclusion, shall be employed in prison in labors, the product of which may be in part applied to his benefit, as shall be directed by the government.

Reading whereof having been made in a high voice by the dean:

For all which causes and reasons, the court, after deliberation thereon, condemns the first-named Antonio Pelletier, aged forty-three years, captain of vessel navigating the high seas, merchant, born at Fontainebleau, (France,) residing and domiciled in New York, to the punishment of death for having committed the crime of piracy and of fraudulent taking of property on the high seas and at the Grand Caymans by force of arms, with violence and threats of assassination; condemns him besides to restitution of the merchandise stolen, or the value thereof, estimated at three thousand five hundred and sixty-two piasters twenty-nine cents specie.

2. Condemns also the accused, John Henry Brown, aged twenty-nine years, seaman by occupation, born at Quimper, (France,) domiciled at Boston; naturalized American.

3. Thomas Collar, aged thirty-five years, seaman, second mate of the bark William, born at Epping, England; naturalized American.

4. Urbain Castaing, aged twenty-seven years, teacher of languages, born at Plaisaunce, (France,) domiciled at Mobile, (United States,) to five years' imprisonment; ordered they be employed in prison at hard labor, and in works whose product can be in part applied to their use, as will be regulated by the government, all three being proved to be accomplices in the crime of attempted piracy, and of slave trading on the coast of Hayti; condems them, moreover, to costs to the state, allowed the greffier in the sum of twenty-four (gourdes) dollars, and this note including the cost of this judgment and even on the body. And in conformity with the directions of article 10 of the above-written penal code, the court declares confiscate to the benefit of the state the ship William and all her acces-

sories; declaring also confiscation the arms, munitions, projectiles, and utensils, which were found on board or may be found there still, as things which have served and were intended to serve for the commission of crime.

Determining on the two applications for restitution and damage and interest put in by Messrs. Antonio Caño and Juan Cotis.

Considering that the accused, Pelletier, proven and declared guilty of fraudulent abstraction by force of arms, &c., of merchandise, to the damage of Mr. Antonio Caño, and of which, in the end, he consummated the sale at Port-au-Prince, is not only held to restore the said merchandise, but is liable to reparation of the damages which he has done to Mr. Caño by the abstraction of his goods, and charges of the voyage and the enterprise he had undertaken for the reclaiming of his rights and interests so largely compromised by Pelletier.

Considering that in respect of Mr. Juan Cotis, by the fact of having broken his confidence in him, of having deceived him, and having abandoned him with his wife and child and servant, at a point other than at which he should have landed him, Pelletier did him wrongs and caused him expenses, he is bound to make them good; that on the terms of articles 168, folio 169, of the civil code, "any aid soever of a man which damages another is binding on him, by whose fault it was done, to repair it."

For these reasons the court, after deliberation, condemns the said Antonio Pelletier to pay one thousand piasters, under the title of indemnity, in favor of Mr. Antonio Caño, and to three thousand piasters damages and interest in favor of Mr. Juan Cotis for the wrong and injury done to the latter, the whole of dean greffier, together in conformity with the provisions of article 36 of the penal code, and this for the reasons above set forth.

Given by us, Cherimon Cheri, judge discharging the functions of dean of the criminal court, Brutus Alexander Gillot, judge; Durant Mégé, puisne judge, aided by Citizen J. M.

Duvet, greffier, in presence of Citizen J. J. Lilavis, substitute for government commissioner at the public academy, the thirtieth of August, one thousand eight hundred and sixty-one, and 50th independence.

All marshals are ordered by this requisition to carry this present judgment into execution at the offices of the public department, to aid the civil courts and give strong support to all commanders and other officers of the public force, and lend a strong hand when it shall be required lawfully.

94 In faith whereof, the minute of said judgment has been signed by the judge, the puisne judge, and greffier.

C. CHEVI.
B. ALEX. GILLOT.
D. M. MEGE.
J. M. DURANT, *Greffier.*

For the purposes intended.

Compared: J. M. DURANT. *Greffier.*

Mr. Pelletier to Mr. Seward.

PROVIDENCE HOSPITAL,
WASHINGTON, *July* 30, 1864.

SIR: Herewith I enclose, to be filed in the department, as evidence in my case—

A*a*.—Official copy of the record of my trial, conviction, and sentence in the criminal court of Port-au-Prince.

B*b*.—Official copy of the record of proceedings in the court of cassation on the hearing of my appeal.

I wish to call attention to the total absence in the record of my trial, which contains the evidence in full, of any appearance of proof, by the oath of any witness, of any criminal act.

I am, very respectfully, your obedient servant,

A. PELLETIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

DEPARTMENT OF STATE.

In the matter of the memorial of Antonio Pelletier.

1. I am directed to present—

A review of the judicial proceedings in my case, showing the grounds upon which I claim that those proceedings were irregular or illegal under the laws of Hayti, for want of jurisdiction or other cause.

A brief recapitulation of the judicial proceedings represents preliminary examination; inquiry by commission as to Haytien jurisdiction in my case, which resulted in an order for my discharge; trial, on which I was discharged; appeal and proceedings in court of cassation; second trial and pretended conviction and sentence; appeal and proceedings thereon in court of cassation; sentence at Cape Haytien, in pursuance of order of court of cassation; appeal from said last-mentioned sentence, and proceedings on said appeal.

The irregularities and illegalities in these several proceedings are manifold.

But chief of all, and what, it would appear, ought to preclude the necessity or use of any further inquiry or discussion, is the overshadowing fact that the foundation charge upon which all their proceedings, and the whole fabric of their injustice, rest, was fictitious and false, the accusation being made and prosecuted while the Haytien government had in its own hands the fullest proof of my innocence. The proofs of this are ample and indisputable, and are fully before the Department of State.

I was charged with piracy committed upon Juan Cortez, in violently and forcibly taking his property from him on the high seas, or at Grand Caymans, and consummating the offence by selling the property in Hayti.

The proofs in the case show that the Haytien gov-
95 ernment has in its possession the fullest evidence that I was innocent of the offence, and that no such offence

had been committed by any one. The proofs also show in the fullest manner the entire transaction with Cortez, by which I received a transfer of his property on my ship, and that the Haytiens had full information of all the particulars thereof.

It seems absured, as it is fruitless, to discuss the regularity and legality of judicial proceedings on a trial for an offence known to be fictitious. It is belittling the Department of State to a commission to supervise the proceedings of a moot court. The bald fact stands prominent that a criminal charge was fabricated, a pretended trial enacted, and a sentence pronounced and executed, whereby I was despoiled of my property and subjected to a horrible imprisonment.

No word of denial can be interposed to this proposition. Why, then, should I not have immediate reparation? Why should not my property be restored to me, and satisfaction rendered for the sufferings and injuries I have been personally subjected to? Why should I be compelled to await the result of inquiries into the regularity or legality of judicial proceedings which are already known to have been baseless? Why should the Department of State permit itself to be trifled with, in discussing legal technicalities about a state of facts known never to have existed?

But to comply with the direction quoted in the beginning of this paper, I proceed to state the exceptions taken by my counsel on the trial, which are believed to be valid:

1. Violation of the 24th article of the code of criminal instruction, and of the sacred right of defence, in which this article enacts that a copy of the verbal proceedings should state the offence, and that the written declarations of the witnesses should be delivered gratuitously to the accused, or to his counsel. Now, in spite of the reiterated demands of the appellants verbally, as also by request to the chief judge of the criminal court, and by motion at the bar, the said copies were arbitrarily refused, the chief judge confining himself to an offer of said papers during the session of the court.

2. Violation of article 200, same code, and of the sacred right of defence, in which Thomas Collar and John H. Brown, having been provided with counsel, and who could not assist them, Mr. Laveaux, in the interest of the law, remarked to the court that the accused were partners in the crime, and on his motion Messrs. Clavier and Guigeron took up the case; but on the next session of the court the accused declared that they had chosen for their counsel Messrs. Linstant, Radine, and Laveaux, in place and stead of the counsel which had been assigned them by the court. This choice of new counsel was equivalent to the revocation of Messrs. Clavier and Guigeron, as this new choice had been made in their presence. Messrs. Laveaux and Radine remained the only counsel for the accused. Subsequently, these last-named counsel were forced to abandon the case, and the accused, not having been provided with new counsel, the result was that they were condemned without defence.

3. Violation of article 199 and 202, of the same code, and violation of the sacred right of defence, in which the chief judge, or his substitute, in examining the aforesaid Thomas Collar, who is ignorant of the French language, and in bringing to his notice and making the admonition prescribed by the law, article 201 and 203, was not assisted by an interpreter; consequently the aforesaid Thomas Collar must be considered as not having received the admonition prescribed in article 203.

4. Violation of the rule of competency, and violation of the power vested in the private counsel of judges, who are only a court to examine if the indications were sufficient to send them before the criminal court, and not to declare if the facts imputed to the accused were true, which they assumed to do.

5. The government attorney having required, and
96 the chief judge of the criminal court having caused to
be read several depositions of witnesses not present in court, these depositions should have been translated by the interpreter. Furthermore, the chief judge having declared the

pleading closed, the summing up was made likewise, without furnishing a translation to the accused, Thomas Collar.

6. Martial law having been declared by the President of Hayti, on the 10th July of that year, the national guard were by this fact mobilized; said martial law existing even until now in full force, it is prohibited by article 216 that a jury should be composed of military men. This jury was consequently null and void, as the citizens composing it were soldiers, non-commissioned officers, and officers of the mobilized national guard, and the mobilization of the national guard caused the citizens who composed the jury to cease to be citizens, and they in fact were military men.

7. Violation of article 265 of the code of criminal instruction, in which the necessary interpreter to assist the accused Thomas Collar, who does not undertand the French language, did not take the necessary oath required to make his acts valid according to said article, the fact of being a public interpreter not dispensing with the necessity of taking a new oath in present case.

8. Violation of article 304 of the code of criminal instruction, in which it is prohibited to mention the answers of the accused, and the contents of the depositions of witnesses not present, notwithstanding which the proceedings of the criminal court show that not only the answers of the accused, but likewise the depositions of absent witnesses, were admitted.

9. False interpretation and false application of articles 5 and 6 of the code of criminal instruction, which are irrelevant to the matter. Pelletier and his associates were not accused of counterfeiting national money having circulation, nor of national bonds, nor of crime against the security of the state.

10. Excess of power, false interpretation, and false application of article 3 of the law of 8th April, 1815, and of article 210, 20, 44, 324, 326, of the penal code, and violation of the rule of competence, as in effect it appears by the observations of Daunies, by which the law of 1st November, 1814, was ab-

rogated; that the Senate of 1815 had only in view to define local piracy of the country; that is, piracy committed by Haytiens, so that any foreigner accused of piracy is, after the instruction of his process, remitted into the hands of the representatives of the country to which he belongs, to be there judged. There is no exception to this rule, only in case that piracy was accompanied by murder. It was so decided by the court of appeals, by its decree of 23d May, 1821. Piracy is a compound crime, composed of different facts and elements. The pretended theft with force of arms, menaces, and violence committed in open sea on board the William, constitute in the present case the fact of piracy; consequently one would not be able to detach this pretended theft with force of arms, with its circumstances, and apply to it article 326 of the penal code, and to make piracy a simple offence, punishable by article 3, of title 2, of the law of 1815.

11. Further violation of the rule of competency, abuse of power, and violation of article 5 of the law of 1815, and article 4 of the law of 19th November, 1829, in which piracy and slave traffic are governed by special laws, which probibit positively the trial of foreigners accused of slave traffic and piracy, unaccompanied by murder; therefore in this present case it was not necessary to know or question if Pelletier and associates were to be sent before another court, he not being amenable to any Haytien court, having not committed murder. Neither was it lawful to inquire what punishment was applicable to his case. The incompetence of the Haytien court is therefore radical and absolute, and as such it should have been presented, and it was the duty of the tribunal to officially declare incompetency.

12. Abuse of power in the fact that the theft, with violence and threats, attributed to Pelletier, a foreigner, by
97 Cortez, another foreigner, if true, would have been committed in the public domain of the open sea. Therefore this fact escapes the Haytien jurisdiction, and in taking cognizance of this case she has usurped a foreign juris-

diction, and committed an abuse of power susceptible of placing in danger the security of the state. It results from the instruction of the process that the pretended attempts of piracy and slave traffic, of which Pelletier and his associates are accused, were committed at Fort Liberty; that is to say, after the departure of the William from Port-au-Prince, therefore more than five months after the pretended theft with force of arms. Thus it follows that there was not the least connection between the case that Cortez accomplished and achieved in Grand Caymans, a dependency of Great Britain, and the pretended attempts at piracy and slave traffic at Fort Liberty.

13. Excess of power, and violation of the sacred right of defence, when the judge of instruction, in causing himself to be assisted in the examination of Thomas Collar by an interpreter, did not cause the said interpreter to take the usual oath. The omission of taking the oath is equivalent to the total absence of the interpreter, and Thomas Collar appears to have been tried and condemned without having had a hearing.

Objections to the judgment officially presented by Andre Germain, government attorney, attached to the court of appeals:

1. Violation of article 257 of the code of criminal instruction, in which the verbal process of the council of judges does not show that the jury had been notified of the character of the informer.

2. Violation of articles 269 and 270 of the code of criminal instruction, in which piracy being a complex crime, the chief judge should have put the questions which constitute the crime of piracy.

3. Violation of article 2 of the penal code, in which the attempt of the crime of piracy is composed of two elements, the two questions relative to these two elements should have been put to the jury.

4. And last, abuse of power of the chief judge of the criminal court, resulting from article 251 of the code of criminal

instruction, where a witness, summoned and present, was permitted to testify without taking the oath.

The following Haytien statutes are referred to by Mr. Lewis, United States commercial agent, in his protest of 17th August, 1861, filed in the Department of State, and are believed to be conclusive as to the incompetency of the Haytien courts to try Pelletier and his associates for the crimes with which they were charged. (Laws of Hayti, law of 24 August, 1808, vit. 1, article 5. Law of Hayti, law of 8th April, 1815, vit. 2, article 5.)

These statutes provide that foreigners accused of piracy and slave traffic in the manner in which Pelletier and associates were accused, shall be remitted to their own government for trial.

In the same protest of Mr. Lewis is set forth a violation of Haytien laws, (article 211 of the criminal code,) which required the papers abstracted from me, and which were necessary to my defence, or copies thereof, to be delivered to me.

An illegal proceeding of the court of cassation, and which is claimed to invalidate their decree, is the alteration of the verdict of the jury by striking out the words "by force of arms and threats of assassination."

The statutes of Hayti require that in case of an appeal from a criminal sentence, when the appellant is deprived of his liberty, every business shall be put aside, and such appeal shall be decided within thirty days, yet in my case nearly two months elapsed before the decision of the first appeal, and ten months before the decision of the second.

It is claimed by my counsel, Baudeauf, in his exceptions to the sentence passed upon me at Cape Haytien, that the court of cassation exceeded its power (which extends only to reviewing and affirming or reversing a judgment of an inferior court) in ordering what judgment should be given against me, and this by a different court from the one which tried me,
98 and without submitting the case again to a jury, or allowing any defence before the new court to which I was sent. This objection is believed to be fatal.

The pretended conviction, irrespective of proof existing in the hands of the Haytiens that the principal charge against me was baseless, was against law and evidence, or rather without evidence, or even the pretence of evidence of guilt in any respect.

Relying, therefore, first and mainly upon the full proofs furnished of my innocence, and of the same being known to the Haytien government, confidence is also reposed in the above-named legal objections to the judicial proceedings.

2. I am directed to present in the second place, "irrespectively of jurisdiction, legality or illegality, the grounds on which I claim that the course of justice was defeated or perverted by the interference or the undue influence of the executive government of Hayti or its agents."

The following are stated as instances of the defeat or perversion of the course of justice by the direct action of the executive government of Hayti, or its agents:

The irregular and unlawful visits by armed forces to the bark William in the night time, without judicial warrant, under the direction of the minister of police.

The wanton and insulting outrage upon the American flag, by trampling over it with a party of soldiers, headed by General Carrié, on the same occasion.

The bribery by the same minister of police of the five sailors who were in jail for stealing, and the efforts to bribe others to make false affidavits against me in support of the declaration of Binar.

The torture of the boy Peter, to force him to testify against me, or punish him for refusing so to do.

The placing my clerk, Castay, in the stocks, for refusing to sign a false inventory.

The threats to John H. Brown and others, and putting them in double irons, to force them to testify as Miranda had.

The ironing and dragging away to a cell of Picault, for

calling attention to a forgery in his examination, and denying its truth.

This course of proceeding toward all the witnesses.

The refusal to deliver me and my vessel and property to the United States commercial agent, when ordered by the commission instituted to examine and decide whether I was amenable to Haytien law for any offence charged against me, and which decided that I was not so amenable.

The abstraction and retention of my papers by the minister of justice and the public prosecutor, they being well apprised that said papers contained proof of my innocence.

The boarding of my ship by General Carrié, against the protest of Mr. Lewis, of 17th August, 1861, before the trial, and carrying off my money, bullion and plate, and other property.

Sending to Santa Martha to procure Caño and Cortez to sustain a fabricated charge, making them, so many months after the transaction to which it related, enter a false protest before the British consul at Santa Martha, while all the time they had the evidence of the falsity of these charges in their own hands.

The enforced withdrawal of Mr. Delandos from my defence.

The imprisonment of the judges who decided to release me.

The seizure and imprisonment of witnesses without any charge, so that I could not procure their attendance.

The imprisonment of my steward for swearing that I had not been guilty of any wrong towards Cortez.

The imprisonment of Mr. Laveaux, one of my counsel, for alluding to the extraordinary means resorted to produce a conviction, and to the abstruction of my papers, so that they could not be used in the defence.

The threats to Linstant, my other counsel, for attempting to show the incompetency of Miranda, which drove him from the court and the case.

99 The going out of Lilavois, the public prosecutor, with the jury.

The private message from the president of the republic to the president of the court of cassation, just as the court, under the advice of the government counsel, Andre Germain, seemed about to decide in my favor.

3. In the third place, I am directed to present a statement, "irrespective of the legality of the judicial proceedings, of what excess of severity, confiscation or cruelty, not warranted by the laws of Hayti, or the laws of nations," I was made to suffer.

The following is a brief statement, in compliance with this direction, of the cruelties inflicted upon me :

Double irons and a dungeon at Fort Liberty immediately on my seizure.

Insult and violence from the populace and soldiers, pelting with stones and dirt.

Conveyed from Fort Liberty to Cape Haytien, crowded in the hold of a small schooner with six other persons, in double irons.

Marched through town in irons, stoned by the mob, lodged in close dark cell, with four other persons.

Conveyed to Port-au-Prince, a voyage of 11 days, in hold of small schooner, crowded in the same way, in double irons.

Marched three miles through town, by different streets, in irons, assailed and pelted, and cut by infuriated mob.

Louis Legallin, one of the boys, murdered, by being dragged through the streets by the heels, his brains beaten out on the stones.

Insulted and robbed by General Carrié. Attempted assassination by poison. Confined in dungeon without light or air, in irons, fastened by shackles to an iron bar.

Taken out by General Carrié's order, and tied to a tree to be shot, and soldiers with muskets paraded before me and taking aim at me, while an appeal was pending, which, by

law, stayed proceedings on the sentence, for the purpose of inflicting unnecessary and unwarranted pain and suffering.

Deprived of air, of light, of food, of communication, sick and denied remedies and medical aid.

Put in under-ground dungeon, beneath a privy, for two months, for making complaint to the minister of justice of the robberies committed by General Carrié, against the protest of Mr. Lewis.

This treatment continued with little variation as to dungeons, irons and starvation at Fort Liberty, Cape Haytien and Port-au-Prince, for more than a year and a half, about four months of which time was before any pretended conviction or trial.

Marched, while weak and sick, from Port-au-Prince, across the country about 250 miles, and over mountains, to Cape Haytien, beaten and mangled, a journey of more than 23 days. This removal made to prevent the French minister from executing the orders of his government to take some measures in my favor.

The confiscation of my money and property to the amount of $50,000, exclusive of ship and provisions, which is not subject to confiscation for piracy, even when such crime is committed, either by the laws of Hayti or the laws of nations.

Respectfully submitted.

A. PELLETIER.

---

100 *Aa.*

Report of the trial of Antonio Pelletier and others.

[Translation.]

LIBERTY—EQUALITY—REPUBLIC OF HAYTI.

In the year 1861, and the 58th of Haytien independence, the 26th of August, at eight o'clock in the morning.

We, the Chérmon Chéri, judge and acting for the dean or senior judge of the criminal court of Port-au-Prince, in the

absence of the incumbent; Brutus Alexander Gillot, chief justice, and Durin Mege, associate judge, aided by citizen J. M. Duvet, chief clerk of the said court, and in presence of citizen J. J. Lilavois, substitute for the government commissioner near this court, and by citizen *Lewis Smithe, senior, sworn interpreter*, requested for Thomas Collar, one of the accused, of English extract, not understanding French, all constituting the said court, assembled for the purpose of discussing and giving final judgment in the criminal case instituted by order of the government against the following persons, to wit:

1. Antonio Pelletier; 2. Thomas Collar; 3. John Henry Brown; 4. Urban Castaign; 5. Pigault Louis Baptiste Benjamin; 6. Millet Pierre Henry; 7. Alexandre Thibodeau; 8. Cartier Francas; 9. Louis Maurice; 10. Rogard Yves Guillome; 11. Jean Alexandre Herault; and 12. Louis Legallin, accused of piracy and slave trading on the coasts of Hayti, &c., &c., according to the return and accusation, or indictment, by the grand jury, on the 25th of July, of this year, drawn up by J. J. Lilavois, substitute for the government commissioner.

The accused were brought from the city prison, attended by their counsel, to the court room, free and without manacles, escorted only by a guard to prevent their escape

The chief justice (doyen) called the roll of the jury, not excused or excepted to, to serve on this trial, each summoned separately by order of the common counsel and of the accused, indicted by the government.

The jurors' names being put into a box, to the number of thirty-one, and the dean having complied with article 237 of the criminal code towards the accused, explained to Thomas Collar by the sworn interpreter, proceeded to the drawing.

After the drawing, effected with exceptions as prescribed by article 234 of the said code, the following citizens were found to constitute the jury, and were arranged in proper seats in front of the accused.

These are the names of the 12 jurors:

1. Charles H. St. Rome.

2. Jean M. S. Lespece.
3. Charles F. S. Preston.
4. Chery Martin.
5. Vallery Archer.
6. Rochefort Ramponeaux.
7. John Rose Blain.
8. Ju. Baptiste Hacquet.
9. Brandimard Dujour.
10. Paul Emile Archer.
11. Pierre B. Lahins.
12. Alexandre Brutus.

The dean ordered court to be opened; the public was admitted; the witnesses introduced, and the trial was cómmenced.

101 The dean asking the name, surname, age, occupation, birthplace and residence of the chief culprit, was answered:

1. Antonio Pelletier; age, 43 years; a merchant and captain on the high seas; born at Fontainebleau, France; residing and domiciled in New York.

2. The same question being put to the accused Thomas Collar, through the interpreter, he answered: My name is Thomas Collar; I am 35 years of age; am a seaman by occupation, and first mate of the bark William; was born at Epping, England; naturalized in America; reside and have my domicile in New York.

3. The third accused, being interrogated in like manner, answered: John Henry Brown; age, 29; born at Quimper, France; living and domiciled in Boston; a naturalized citizen of the United States.

4. The fourth accused answered: Urbin Castaign; age, 27; teacher of languages; born at Plaisance, France, and domiciled in Mobile, United States.

5. The fifth accused answered: Picault Louis Jean Baptiste Benjamin; age, 45; clerk; born in Paris; lives in Port-au-Prince.

6. The sixth accused answered: Millet Pierre Henry; age, 30; machinist; born at Salier, (France;) resides in Bordeaux.

7. The seventh accused answered: Alexandre Thibodeau; age, 20; a sailor; born and lives in Bordeaux.

8. The eighth accused answered: Cartier François; age, 19; sailor; born at Cette, (France,) where he lives.

9. The ninth accused answered: Louis Maurice; age, 33; ship carpenter; born at L'Orient, (France,) and lives there still.

10. The tenth accused answered: Rogard Yves Guillome; age, 23; cook; born at Fredarzu, (France,) and domiciled in that place.

11. The eleventh accused answered: Jean Alexandre Herault; age, 33; cook and stone-mason; born at Jeanton, (France;) domiciled in Paris.

12. The twelfth witness answered; Louis Legallin; age, 28; sailor; born at Belle-Isle, (France,) and naturalized American.

Here Mr. Lavand, counsel for the prisoner Pelletier, remarked to the court that the absence of Messrs. Valsin and Rimpel deprived several prisoners of counsel for their defence, contrary to the law on the subject.

Mr. Clavier, rising, said that, as the accused were arraigned for the same crime, he and his colleagues, Quiqueron, Valein, and Rimpel, would defend them all, though their counsel might remain absent.

The accused being consulted, consented to the defence of Mr. Clavier, in place of absent official counsel.

Mr. St. Amand moved to be named with Archin and Chance as counsel for Messrs. Cotis and Caño, civil parties in the suit. Then the court called the attention of the counsel for defence to article 245 of the code of practice, and charged the jury, standing uncovered, respecting the oath in article 246 of said code; each of the jury was sworn separately, and replied, raising his right hand, "*I do.*"

Mr. Lavand, then rising, excepted to the jurisdiction of the

court, inasmuch as the court of cassation had no right to create an exceptional tribunal to try the accused.

The court, considering this incident, declared it premature, as the criminal court cannot act till the indictment is read, which had not yet been done.

Mr. Lavand then withdrew his motion, and the clerk read the indictment, dated 25th July last, drawn up by Mr. J. J. Lilavois, substitute for the government commissioner, and the decree of the court of appeals of the republic, referring this particular case to the criminal court. The reading was aloud by the clerk.

102 After this, considering the late hour, the judge adjourned court until 8 o'clok next morning, the 27th.

Signed by the judges and clerk:

C. CHÉRI.
B. A. GILLOT.
D. MEGE.
J. M. DUVET, *Clerk.*

27*th.*—The court met according to adjournment, and Louis Pointhe, sr., sworn in as interpreter.

The judge addressed the accused, told them of their situation, and that they were now to be tried, which was translated to the prisoners by the interpreter.

Mr. Lavand then demanded a free copy of the documents authorized by article 211 of the criminal code.

The public minister having been consulted, and the court advised, the exception is rejected as having been made too late, and Mr. Lavand is ordered to conform to the rules of court, receiving all documents necessary to him from the bar.

Mr. St. Amand requests the judge to ask the accused, Pelletier and Thomas Collar, this question, to wit: "If they withdrew their objection to the jurisdiction of the court?"

The judge decided the question as settled yesterday, and it could not be again brought up to day, and ordered the case to proceed.

The indictment having been read, the prisoner Pelletier declares he will make no defence, having invited his lawyers to retire, and will answer no questons, trusting entirely to the judge and jury. The public minister then proposed that counsel be assigned for the defence of the accused; but the prisoner Pelletier refuses, and his lawyers retire from the bar.

The prosecuting counsel next presented a list of the witnesses duly summoned. The list was read aloud by the clerk, but the witnesses not appearing, the judge issued a writ of distrainer to force their appearance at 1 o'clock that day.

The court then adjourned to 2 o'clock the same day.

The minutes were signed by the judges and clerk:

C. CHÉRI.
B. A. GILLOT.
D. MEGE.
J. M. DUVET, *Clerk*.

The court opened at 2 p. m., according to adjournment, and proceeded to business.

The accused, Thomas Collar, declared, through the interpreter, that he had chosen Mr. Levand to defend him, instead of Mr. Valcin, the counsel employed by the court.

Mr. Levand was named counsel for the defence of Thomas Collar, John Brown, and Louis Legallin, and accepted by the prisoner, to aid Mr. Linstant.

Mr. Levand, causing some disturbance by a loud discussion, was called to order by the court; but, not obeying, he was committed to jail. Mr. Linstant was then informed that he was sole counsel for Thomas Collar, John Brown and Louis Legallin.

The prosecuting attorney insisted upon Pelletier's having counsel, but the prisoner continued to refuse, and the attorney asks that a minute be made of his motion, which is granted. But as Pelletier sent off his lawyers, and refused the counsel assigned him by the court, and determined to make no per-

sonal defence, the judge declared it should be as the prisoner desired.

The witnesses making their appearance, the court
103 ordered the sheriff to show them to a room assigned to them; whence they were called separately, and examined as follows:

The first witness, having been sworn upon the Bible to speak, without hate or fear, the truth, the whole truth, and nothing but the truth, and declaring that he was neither relative, connection, or servant of either party, answered thus: My name is Miranda Pierre, 47 years of age, second mate of the bark William, and I live at Bordeaux.

(The testimony of this witness conformed in every particular to the charges of the indictment, as far as regards the voyage of the William from Port-au-Prince, touching at Grand Inagua, Cape Haytien, &c.; with all the crew employed by Pelletier to capture our people and seize the Geffrard.)

Interrogated by the judge, at the request of the prosecutor, he declared, that when the accused drew up the report he requested him to sign any name to it, and he signed his real name.

Mr. Linstant wishing to propose an irrelevant question to the witness, (incriminating himself,) the court objected to or overruled his request, whereupon Mr. Linstant threw up his case and withdrew.

Witness being examined by the civil party, stated the color of the pilot and his son, taken from the Caciques; they were black, and had gone ashore voluntarily; but Pelletier spoke to them in English, which witness does not understand. The accused, Ursin Castaign, was asked what oaths Pelletier made use of in speaking of Hayti. He answered: "*The damned country! I'll get paid yet!*"

Thomas Collar, by interpreter, was asked how much provisions and water the bark William had on board—enough for the voyage from Port-au-Prince to New Orleans? Under

what flag he sailed from Port-au-Prince, and under what did he touch at Port Liberté and Cape Haytien? Answer: Four barrels of pork, four of beef, eight pipes of water, and many empty casks; does not know if there were other provisions aboard, but thinks there were not more than enough for the voyage from Port-au-Prince to New Orleans. The bark left Port-au-Prince under American colors, and hoisted the French flag in the ports of Fort Liberté and Cape Haytien.

The same questions were put to the other witnesses, separately, and they said there were other provisions on board, and more than enough for the voyage from Port-au-Prince to New Orleans. Their answer to the flag question was: The bark had left Port-au-Prince under American colors, and hoisted the French flag near the cape, to call a pilot, and had saluted a passing vessel with the same flag, and only at Fort Liberté did he hoist the French flag permanently, taking down the ship's ensign having "William" printed on it, and substituting a flag with "William Tell, of Havre," written on it. The captain also changed his name and ordered the crew to call him "Mr. *Jules Lettellier*."

The accused, Picault Louis, adds that Captain Pelletier ordered Miranda to give him 48 lashes, but Miranda had too much humanity to execute the order. He estimates the number of water-casks at more than one hundred, and proves it by saying he saw Pelletier buy 94 casks, of 30 and 60 gallons, before leaving Port-au-Prince. He says Pelletier struck him, and the prisoner Thibodeaux attests his bad treatment of the crew. He mentions his attempt to escape with Maurice, Picault, and Guilloux, and how Miranda's vigilance prevented them. They made more than one attempt, but always failed. He mentions the great fear of the crew for the captain and his wife, a terrible woman; in fact, the sailors were afraid of each other.

The accused, Gilloux, says the captain nearly killed him with cruelty and lashings, and treated several others with the

same severity. Being cross-questioned, he said, when asked about his business as carpenter on board, that he made a platform, but had never seen one on a merchant vessel before.

All the crew agreed on the particulars of the im-
104 promptu ball the captain gave on board, while in the harbor of Fort Liberté, and his intention to carry off the young men and women who were invited.

After the examination of each witness the judge asked Pelletier if he had any defence to make, and he persisted in his resolution to make no defence, nor accept counsel.

Miranda's examination is now continued and explained to Collar by the interpreter. The judge asked him if the prisoners present were the persons meant. He said Pelletier was the only one guilty; the others were on board and were treated as bad as himself. The judge asked Pelletier if it was true, and he made no answer. All the others said it was.

The second witness was brought in: he was sworn; said he knew Collar and Pelletier; was steward on the brig William, in command of Captain Pelletier, now present; said his name was Theodore Mary Cheignon, age 31, a cook by trade; lives in Port-au-Prince. He was asked if he knew Cotis and Caño; when he shipped on the William; what was the cargo; if the captain had not taken a pilot and cabin boy at Carthagena; what was their color, and what the captain did with them. He replied: I shipped at New Orleans for Rio Hacha, by Mr. Deloney's advice; the captain did not go there, but sailed direct to Great Caïman island, where he landed Bayna, a passenger, and his family; he knew neither Cotis nor Caño, but the stranger landed might be Cotis; there was tobacco, corn, and meats on board, but he did not know to whom they belonged; had seen Pelletier receive $600, which he said was for goods; the captain had taken a cabin boy and pilot, both colored, at Cartagena, and left them in Port-au-Prince.

Pelletier made no reply put to him by the judge. The prosecuting attorney requested the judge to have Pelletier

committed for contempt of court. The judge did not order him to jail.

Being six o'clock, the court was adjourned till 8 o'clock next morning, the 28th day of the month.

The minutes were then read and signed by the judges and the clerk.

The court opened next morning, according to adjournment and the trial proceeded. The third witness was introduced and sworn: said he knew only Pelletier and Urban Castaign; his name was Nepomucene Gaëtan Cesvest, age 32, commission merchant, residing in Port-au-Prince. The vessel was consigned to this witness. After his examination the judge asked the prisoners if what he said was true. Castaign answered in the affirmative, but Pelletier made no answer.

The fourth witness was introduced and sworn: said he knew the prisoners; his name was Vil Maximilien, age 32 years; resides in Port-au-Prince; Pelletier applied to him for 50 men and 6 women to dig guano, but he said they could not be shipped without a government permit; Pelletier told him he had a permit, but it turned out that he had only mentioned it to Colonel A. Celcis, the port warden. All the accused confessed the truth of this testimony, but Pelletier refused to answer any questions.

The fifth witness was introduced and sworn: said he knew two of the accused, Pelletier and Castaign, for he had seen them in New Orleans, and they had been at his house in Mobile. He also knew Mr. Cotis, a passenger in the William. His own name was Henry Tyrelle, 20 years of age; no trade; lives in Mobile, United States. He was asked if Pelletier did not quit Port-au-Prince with the American flag up, and then hoist French colors at Fort Liberty and Cape Haytien. He answered in the affirmative. He was asked if Urbain did not tell him to use all his influence to dissuade Pelletier from his intended slave trade and his ball. He answered yes, he did all he could, and had long suspected Pelletier. The prisoners were then

asked if the witness spoke the truth, Castaign said yes, but Pelletier refused to answer.

The sixth witness was introduced and sworn: he knows
105 Pelletier and Urbain, Mr. Cotis and Caño; his name is Jean Felix Laconture, age 64 years; ship captain and merchant; lives in Port-au-Prince.

Mr. St. Amand here interrupted the counsel by saying this witness was only introduced to explain the route Pelletier took from New Orleans to Cartagena, Rio Hacha, and the other ports mentioned in the log-book, upon a map to be laid before him. Mr. Clavier said this witness was too intimate with the accused to be a witness; any other sea captain would have been preferable. Mr. St. Amand consented to have any other, but Mr. Clavier withdrew his objection, and the witness was examined. He said Pelletier and Castaign were the persons he referred to. When they were asked if what the witness said was true, Castaign answered in the affirmative, but Pelletier made no response.

Seventh witness introduced and sworn. Name, Richoux Mary; age, 30; commission merchant in Port-au-Prince; knows Pelletier; is no relation to him. In speaking of Pelletier, the American consul, Mr. Lewis, said he was a bandit.

Witness's name (the eighth witness) is Aristide Chassaing; age, 29; command the despatch boat Geffrard, and resides in Port-au-Prince. Says he knows Pelletier; was introduced to him by a strange sea captain, and convoyed his vessel from Port-au-Prince to Cap-à-Four. He knows the other accused, Castaing, for Pelletier sent him on board the despatch boat to regulate the chronometers—the only time he ever saw him; is not related to either, nor interested in any way in this suit.

The eighth witness, Picault Louis Benjamin; age, 30; lives in Port-au-Prince, and is employed in the custom-house there. His testimony was similar to that of the preceding.

The ninth witness, Antonio Lobos, was introduced and sworn. He only understands Spanish. Citizen Doucet was summoned to appear as interpreter for this witness. The court

then adjourned till 2 P. M. The minutes were signed by the judges and clerk.

In the afternoon the court met according to adjourment, and proceeded to business. Citizen Doucet, the Spanish interpreter, not having arrived, the next witness, Mr. Wilson, was introduced and sworn. He answered: My name is William Wilson; I am 44 years of age, a merchant residing in Port-au-Prince; he knew but one of the accused, whom he advised not to ship on the William; he knows nothing about Pelletier, except that he bought 43 seroons of tobacco from the house of Mary & Haltsmus, weighing 4,741 pounds, which they told him afterwards was part of the cargo of the William, Captain Pelletier's bark. Asked why he advised one of the accused not to ship on the William; he answered that he told the man if he shipped on the William for New Orleans he would never reach his destination, but would most likely be brought back to Port-au-Prince. He told him this because the rumor of Pelletier's business was very rife at that time.

The tenth witness, being introduced and sworn, deposed as follows: Name, Adolphe Granier; age, 30 years; cook, living in Port-au-Prince; says he knows all the accused, and particularly Pelletier and the woman Henrietta, called Madam Pelletier; they stopped at his hotel. Is no way interested in this trial. He also knows the two gentlemen Cotis and Caño, who have lodged at his house ever since they came to the island. He knows nothing about the guilt of these persons; does not even know of what they are accused. He was asked by the judge if the witness Theodore did not say Pelletier was a thief, in his presence, before the Spanish consul, and that Pelletier had stolen merchandise belonging to Cotis and Caño, and had not swindled him out of a half barrel of wine.

Witness replied that it was possible Theodore may have said that in his presence, but he did not remember it; and it was true Pelletier sold him two half barrels of wine, and only delivered one after receiving the $60.

Mr. St. Amand requested the deposition of the Spanish

106 consul to be taken, to disprove the testimony of the present witness. The motion was overruled by the judge, and the examination was continued. The accused were here asked if what this witness had said was true, and they all answered yes.

The eleventh witness was now introduced and sworn by interpretation of Citizen Dorcet, who had also taken an oath to interpret faithfully the evidence of Antonio Lobos, who says he understands no language but Spanish. Name, Antonio Lobos; age, 23; sailor, living in Valparaiso, republic of Chili; says he knows Pelletier and wife, Urbain, Thomas Collar, Cotis, and Caño; is not related to any of them, and is no way interested in this suit. His oral testimony conformed in every particular with that of preceding witnesses. He shipped on the William at Carthagena, and left the vessel on its arrival at Port-au-Prince. Here Pelletier kept him in jail for 38 days, keeping all his clothes and retaining his wages at $18 a month. This witness, Antonio Lobos, said Pelletier's conduct was suspicious from the time he left Cartagena, and that was the reason he ran away at Port-au-Prince. Pelletier also suspected him, refused to let him go ashore at Port-au-Prince, and when he was caught in an attempt to escape, had him put in irons. This testimony being interpreted to the accused, they were asked if it were true, and all answered yes, except Pelletier, who made no reply.

The twelfth witness being called, it was found that he had heard the testimony of the others examined this day, and Mr. Clavier objected to his examination on that account, while Mr. St. Amand insists upon his examination.

The judge deciding he could be heard, he was forthwith sworn and examined. Name, Joseph Dupuy; age, 32 years; a cook, residing at Port-au Prince; he is acquainted with all of the accused, is kin to none of them, and is not interested in this suit. Knows Cotis only from seeing him on board, and in the city afterwards. This witness confirms all the accusations against Pelletier, particularly that concerning Mr. Cotis,

stating all the particulars of the voyage from Cartagena to Port-au-Prince. He was then asked if the prisoners present were the persons he spoke of, and he answered yes. The accused were asked if what the witness said was true, and they all answered in the affirmative except Pelletier, who persisted in making no defence.

Considering the lateness of the hour, the court adjourned till eight o'clock next morning, the 29th day of the month. The minutes were signed by the judges and the clerk of the court, C. Chéri, B. A. Gillot, and D. Mege; J. M. Duvet, clerk.

On the morning of the 29th of August, 1861, at eight o'clock, the court opened according to adjournment, all parties being present, and the audience public. Before continuing the regular proceedings, the prosecuting attorney requested the judge to order the clerk to read aloud the depositions of the interrogatories of several sailors of the William, imprisoned by Pelletier, and absent from the city. The minutes were drawn up on board the William, at Fort Liberty, by Pelletier himself, signed by several persons, among them the mate, Miranda. It was signed by Pelletier with the fictitious name of Jules Letellier, commander of the bark William Tell, of Havre.

Baëna's accusation of Pelletier was also read aloud to the court.

After this the weapons and ammunition found on board the vessel were shown to the witnesses, who confessed that they had been on board the William. They consisted of guns, revolvers, pistols, lefaucheux, fulminating and common powder, caps, bullets, cartridges, bayonets, knives, dirks, bullet moulds, handcuffs, flags of different nations, &c., &c. Several of the sailors said they not only recognized the manacles, but had felt them on their wrists, and Urbain Castaign said he was one of the men who delivered the arms to the authorities. Pelletier would answer no question put to him, still saying that he would make no defence.

The pleadings of the lawyers now began; each one
107 made a statement of the case in a short speech. While Mr. St. Amand was speaking, Pelletier broke his obstinate silence and said he would like to have the ship's register brought and shown to the jury, and all other papers they could find on board.

The speeches being ended, the judge asked the accused if they had anything to say in their defence. All answered "no," except Pelletier, who said he had no defence to make. Mr. Quiqueron made the concluding argument, and the judge announced the discussion over. He then charged the jury, and told them they were to consider these questions, as follows:

1. Has piracy and the fraudulent abstraction of goods at sea or on Caïman island to the injury of John Cotis and Antonio Caño, now in Port-au-Prince, been proved in this case?

2. Is Antonio Pelletier, the accused, guilty of these acts?

3. Are the prisoners, Urbain Castaign, John Henry Brown, and Thomas Collar, guilty as accomplices?

4. Was the theft coinmitted with force and violence—with attempt to kill?

5. Is the attempt at piracy and the slave trade, committed on the cost of Hayti, sufficiently proven?

6. Is Antonio Pelletier guilty as the author of these crimes?

7. Are these accused guilty as accomplices in these acts: namely, 1. Thomas Collar. 2. John Henry Brown. 3. Urbain Castaign. 4. Picault Louis Jean Baptiste Benjamin. 5. Millet Pierre Henry. 6. Alexandre Thibodeaux. 7. Cartier François. 8. Louis Maurice. 9. Rogard Yves Guilloux. 10. Jean Alexandre Herault. 11. Louis Legallin?

8. Has not these attempts at piracy and the slave trade failed more by accident than by the will of the accused and his accomplices?

The judge now announced that Pelletier might hereafter be tried for the crimes of forgery and rebellion, of which he was clearly guilty and certainly liable, as these counts were not in the present indictment.

He then read articles 275 and 276 of the criminal code to the jury, and handed over all the papers in the case, and gave a special order to the corporal of the guard from article 276, of the same code.

The jury then withdrew from the court room and retired to their apartment for deliberation.

The accused were taken back to jail.

The jury having agreed returned to the court room, and the foreman, rising, placed his hand upon his heart and said: Upon my honor and my conscience, before God and in the presence of man, the verdict of this jury is, in answer to the first question in regard to piracy and theft, *Yes.*

Answer to second question: Is Antonio Pelletier guilty of it? *Yes.*

3. Are Urbain Castaign, John Henry Brown, and Thomas Collar guilty as his accomplices in these acts? *No.*

4. Was the theft committed by force and violence with intent to kill? *Yes.*

5. Is the attempt at piracy and slaving on the coast of Hayti proven? *Yes.*

6. Is Antonio Pelletier guilty of these last-mentioned acts? *Yes.*

7. Are the other accused guilty as his accomplices in this crime? Answer: The first three, John Henry Brown, Thomas Collar, and Urbain Castaign, *Yes.* The eight others, *No.*

8. These attempts at piracy and abduction, did they fail by accident or volition? By accident, *Yes.*

The above verdict, signed by the foreman of the jury in presence of his colleagues, was given to the judge, who signed it and gave it to the clerk, who appended his signature likewise. The jury was then discharged, and the prisoners introduced. This verdict was then read to them by the clerk, and interpreted literally to those who did not understand French, by the sworn interpreter. The judge, then, in accordance with article 290 of the criminal code, read the verdict of the jury to those not guilty, and they were immediately set

108 at liberty. In regard to the accused, Antonio Pelletier, Thomas Collar, Urbain Castaign, and John Henry Brown, they are pronounced guilty by the jury, and the verdict is read to them. The interpreter then told Thomas Collar, by order of the court, that he was convicted of piracy and attempt to slave trade on the coasts of Hayti, which is a crime according to its laws, and was sentenced to five years in irons. The same notice was given to the other convicts separately.

The judges then retired to deliberate upon the case. It is the 30th of August, 1861, and 6 o'clock in the morning when the judges retire. They consult four hours; return to their seats, when the senior judge reads aloud all the laws applicable to the cases, and the sentence of Antonio Pelletier, who is condemned to death; and John Henry Brown, Urbain Castaign, and Thomas Collar, to five years imprisonment. This judgment was fully translated to Thomas Collar by the interpreter, and he was told according to the laws of the country three days would be allowed him to appeal to the court of cassation for a reversal of the judgment, after which time his sentence would be confirmed if he made no appeal. The same notice was then given to the other convicts, Antonio Pelletier, John Henry Brown, and Urbain Castaign.

In testimony whereof, we, the judges and clerk of the court, have caused this public report of the case to be made out. The trial began on the 26th of August, 1861, and closed the 30th day of the same month at 10 o'clock, forenoon, and we have signed it in conformity to law.

C. CHERI.
B. A. GILLOT.
G. MEGE.
J. M. DUVET, *Clerk.*

This is a true copy compared with the original, with twenty-two marginal notes and twenty-one words erased in the text.

J. M. DUVET, *Clerk.*

B*b*.

Report of the appeal in the trial of A. Pelletier, J. H. Brown, and Thomas Collar, Port-au-Prince, Hayti.

LIBERTY—EQUALITY—REPUBLIC OF HAYTI.

In the name of the republic:

The court of cassation has rendered the following decision in the case of, 1st, Antonio Pelletier, sea captain and merchant, domiciled in New York; 2d, John Henry Brown, seaman, residing in Boston; 3d, Thomas Collar, second mate of the bark William, residing in New York; 4th, Urbain Castaign, of Mobile; all four now in the jail of Port-au-Prince. The first is sentenced to capital punishment and fine, and the three others to five years' imprisonment.

The said Antony Pelletier, who was long suspected of piracy and slavery, was arrested, with his accomplices, on the coast, near Fort Liberty. The forgery he committed by calling himself Letellier, and his bark the William Tell, of Havre; his resistance to the authorities, the different flags, the arms and handcuffs found on board his vessel, prove him to be what he was suspected. The consuls and diplomatic agents residing in Port-au-Prince were called together by the minister of foreign affairs, and were consulted on the subject of Pelletier's sentence. They all decided that he was an outlaw, and that the Haytien government had the full right to try him, and inflict upon him the severest penalties of the law, according to the evidence brought before them. Pelletier was also tried in the civil court for injuries to Caño and Cotis, having as evidence against him the five sailors whom he had imprisoned before his capture, and condemned to a fine. In his trial before the criminal court of Port-au-Prince, the jury declared him guilty, 1st, of piracy and the depredations above mentioned, committed at Port-au-Prince; 2d, of attempt at piracy on the coast of Hayti, with John Henry Brown, Thomas Collar, and Urbain Castaign, who were also convicted as accomplices in the attempt at piracy and the slave trade.

By a verdict of the jury the criminal court of appeals condemned Pelletier to capital punishment, and his three accomplices to five years' imprisonment, and confiscates the bark William to the profit of the state, and accords damages and interest to Caño and Cotis. The counsel for the defence put in the following thirteen exceptions:

1. Violation of article 24 of the criminal code, that article requiring a copy of the record to be filed, and copies of the depositions of the witnesses to be delivered gratuitously to the accused or their counsel. This was refused at the time of the trial.

2. Violation of article 200 of the same code, and of the sacred right of defence, as the two accused, John H. Brown and Thomas Collar, having had counsel assigned them, rejected it, and the lawyers they chose were rejected by the court, so they had no defence to make legally.

4. Violation of the regulation respecting the competency of the tribunal, and trancendency of the power of the council, whose place was to decide whether the evidence was sufficient to grant jurisdiction of the criminal court, and not to decide the criminality of the accused.

5. The prosecuting attorney read the depositions of some absent witnesses which were not translated to Thomas Collar, who does not understand English; and the judge having declared the trial concluded, resumed it, without notifying Thomas Collar, through the interpreter.

6. Martial law having been declared by the president of Hayti on the 10th of July, *currente anno*, the national guard was mobilized thereby, and it was in military service, and as soldiers cannot sit on a jury, this jury was illegal by article 216, which declares the decision of such a jury null.

7. Violation of article 265 of the criminal code, inasmuch as the interpreter appointed for Thomas Collar did not take the proper oath prescribed by that article.

8. Violation of article 304 of the criminal code, which does

not allow mention of the answers of the accused, nor the depositions of witnesses.

9. False interpretation and misapplication of articles five and six of the code, which do not mention this case, as Pelletier and his associates were not accused of counterfeiting the national currency or other state documents, nor of crimes against the safety of the state.

10. Excess of authority by false interpretation and misapplication of article 3 of the law of the 8th of April, 1815, and of articles 210, 20, 44, 324, and 326 of the code, and violation of the rules of jurisdiction. Every foreigner, accused and convicted of piracy, is sent to his country by his consul, to be sentenced there. There is no exception to this but where the piracy is combined with murder. This point was decided by the court of cassation in its decision of the 23d May, 1825.

11. Another violation of jurisdiction, article 5 of 1815, and article 4 of 19th November, 1839, which define the penalties of piracy where there is no attempt at assassination.

12. Abuse of power, inasmuch as the charge of violence and threats of Pelletier against Cotes, a foreigner, should have been committed on the high seas, and not on the coast of Hayti, as was the case.

13. Abuse of power, inasmuch as Thomas Collar was
110 allowed no defence. The interpreter was not sworn, and, of course, his interpretation was not valid, and the accused could make no legal defence.

14. Violation of articles 269 and 270 of the code that makes piracy a complicated crime, and this was not explained to the jury.

The men, Antony Caño and John Cotis, civil parties in the lower court, did not proceed in a proper manner, as will be shown below:

1. First, there was no violation of article 211 of the code, which says that copies of the cause are not to be given to the accused in appeal, unless they demand it. Now the accused

did not ask for a copy till the commencement of the arguments in the case, and after the time to demur to the jurisdiction of the court had passed.

2. In the second place there is no violation of article 200 of the code, nor of the right of defence, because Thomas Collar and John Henry Brown chose their own counsel, and others were afterwards assigned them when the two first withdrew from the case. And the minutes show that all of the accused had counsel except Pelletier, who constantly refused to make any defence.

3. In the third place there was no violation of articles 199 and 202, because the aid of an interpreter is not required by these articles, and the appointment of one is left entirely to the discretion of the court; and because non-observance of these articles does not justify an appeal.

4. This exception depends entirely upon a gross error and complete misconception of the council chamber; their business is to order proceedings, but not to institute them.

5. There is no violation of the right of defence by the non-interpretation of the minutes of the preliminary investigation, because that is not required. It has been established by precedent, that when there is proof of the presence of the interpreter at the lower court, there is legal presumption that he has fulfilled the duties of his place whenever required, and there is no law requiring the clerk to certify that the interpreter has translated every word that was said or read to him during the debate. It is also a mistake to say that the court must sum up the evidence to the jury; this was required in article 250 of the old code, but it was repealed by article 268 of the new code.

6. In regard to the violation of article 216 of the code about martial law, we must say that the declaration of martial law does not, *ipso facto*, make the national guard all soldiers; it only put it at the disposal of the military authorities, and they do not become soldiers till they are called into service; and the declaration of a siege does not suspend civil justice,

ipso facto, it only gives the military authority the power to suspend it, if necessary. The proclamation of martial law is a pure political measure, very limited in its effects, which are prescribed by a decree of the 3d of November, 1843, yet in force, and not touching this case. It has been decided that a complainant in appeal cannot bring up a state question in his favor. The presidential proclamation of the 10th of July, of this year, did not especially mobilize the national guards; its silence on that point left them to the civil law.

7. There is no violation of article 265 of the code; because the nullity declared by this article is only incurred when the interpreter has not been sworn. The interpreter in the case was appointed and sworn, in accordance with article 8 of the law organizing the judiciary, of May, 1819; and he is not required to take a new oath in every case.

8. There is no violation of article 304 of the code, for the complainants have cited a law no longer in force; it was repealed by article 372 of the new code.

9, 10, and 11 form one clause, saying the jurisdiction in regard to piracy and the slave trade have been violated; that the court has no jurisdiction in the case, unless there was assassination; the Haytien law was misapplied; and, as the theft by violence of Pelletier was solely an act of piracy, it could only be punished as such, according to article 3, section 2, of
111 the law of 1815, and not by 326 of the criminal code, as was done. It is therefore evident there was a false interpretation and a gross misapplication of articles 5 and 6 of the criminal code; a false interpretation and gross misapplication of article 3 of the law of the 8th of April, 1815, and of articles 210, 20, 44, 234, and 326 of the criminal code; violation of the law of 19th of November, 1830, article 5, on the abuse of power.

As the court of cassation has already decided its jurisdiction in Pelletier's case, by its decision of last August, as the verdict of the jury has taken place since that decision, confirming the competency of the court, and proving the crimes to have been

consummated upon the coast of Hayti, therefore the case is decided and no one has the right to contest the competency or jurisdiction of the Haytien court; the complainants cannot say any of these rules have been violated, nor object to the jurisdiction of the court. And allowing there was a mistake in judgment, or that the court could try the same question twice between the same parties, the refutation of these arguments would be certain, as it is incontestible that Hayti alone has jurisdiction and right of judgment against the crimes committed by Pelletier and his accomplices.

In regard to the 12th argument, how can it be said there was abuse of power by the court when the jury declared the crimes were committed within the jurisdiction of Hayti? To establish abuse of power would require opposition to the verdict of the jury; and as that is not admissible, this question is decided.

In regard to the 13th argument, it is less serious than the preceding one. The same defence used against the third may be applied to this. How can it be said that Thomas Collar was tried and condemned without a hearing, because the judge did not certify that the written interrogatories had been interpreted? Are the accused tried only by written interrogatories? This last argument, like the rest, is therefore rejected.

The court of appeals then confirm the decision of the lower court in the case of Antonio Pelletier, Thomas Collar, John Henry Brown, and Urbain Castaign, given in Port-au-Prince, the 30th of August, 1861, and the complainants are condemned in the costs of the appeal.

The arguments of the public ministry have been decided as follows:

There is no violation of article 257 of the code; Miranda is not an informer in the true sense of the term, because his information was not given voluntarily, but in accordance to articles 11 and 12 of the law of 1815 on piracy; and if Miranda was an informer, according to articles 256 and 257, the jury was informed of the part he took in the conspiracy.

As to the 13th and 14th arguments, that piracy is complex and its punishment dependent upon successive acts, we must say that, unlike civil law, where presumption of honesty favors the accused, in criminal law it is against the culprit; and the law of 1815 being very explicit, even the attempt at piracy is just as bad as if the act had been consummated, and the parties are guilty of the complete crime. Now, as Pelletier has been declared guilty, according to article 326 of the code, of theft by force and violence, he received the only penalty for such crimes and punishments; let it not, then, be said that he was unjustly judged.

It cannot be said that as this law is in the criminal code it cannot be applied to a pirate, for when special laws are silent common law must be applied. Then we say that neither the articles 269 and 270 of the civil code, nor the 2d article of the criminal code have been violated; and article 321 of the criminal code has been very justly applied.

In regard to the 14th objection, the witness Dupuy was not one of the original witnesses against the accused, but was summoned by the civil parties, and the accused had the right to object to him. They did object to him; so this argument is also rejected, as having no better foundation than the others examined.

112 The report of Judge Lafond was heard, and the declarations of lawyers Lavand, Linstant, Pradine, and Camille Nau for the appellants; and the declarations of St. Amand, Chance, and Archon for the defence of Caño and Cotis, civil parties; the conclusions of citizen Lallemand, the substitute of the government commissioner. After deliberation in the council chamber of the defences adduced, they determined to consider as follows:

In the first count of the indictment, violation of article 211 of the code, and of the sacred right of defence. By this article only a copy of the written depositions of the witnesses is due to the accused, together with the minutes of the preliminary examination in proof of the alleged offences. No law

requires the delivery of a copy of the interrogatories, and it was only after the commencement of the discussion of the merit of the case that Pelletier's counsel asked for such copies. Copies of the papers seized on board the William were delivered to them. The evident object in demanding all these documents was to embarrass the proceedings of the trial.

In regard to the second count, it was objected that the judge and clerk had neglected to sign these copies, according to article 304 of the code; but this is removed by showing that the original was so signed as required. As to the objection to the second, article 200 of the code was not violated. On the third objection, to violation of articles 199 and 202, the judge interrogated Thomas Collar, and warned him according to the statutes; the presumption, therefore, is that he knew what were his rights in the trial, and no opposition was made to his use of them. On the fourth objection, violation of rules, competency and abuse of power: Even admitting that the council chamber had no right to decide on the proof of the guilt, the appellants did not object to it till it was too late by the rules of court. On the fifth argument, violation of the 265th article of the code: It is evident from the examination of Lewis Pouilhe, sr., sworn interpreter, that he did his duty towards Thomas Collar, in the oral examination of the witnesses, and the clerk is not obliged to note down this examination and have it translated. After the conclusion of the preliminary examination no complaint can be made on this account; therefore it is proved that article 265 of the code was not violated. On the sixth argument, violation of article 216 of the code: The proclamation of martial law was made on political motives for public security, and did not affect the courts; and the complainants did not object in the right stage of proceedings that the jury was composed of the national guard soldiers; on the contrary, the jury was composed of citizens of proper age, enjoying all their political and civil rights, as prescribed by article 216 of the code, above quoted. On the seventh argument, violation of article 265 of the code: When an interpreter is

assigned to an accused, not the sworn judicial interpreter, the judge is obliged to swear him according to article 265 of the code; otherwise his interpretation is null. As the interpreter for Thomas Collar was the regular sworn judicial interpreter, he was not required to renew his oath, and his interpretation is valid. On the eighth argument, violation of article 304 of the code: If it were certain that the clerk had stated in the report the answers of the accused and the declarations of the witnesses, it would not be contrary to article 304 of the code, and is no cause of reversal of the primary decision. On the thirteenth argument, abuse of power: This point cannot be opposed, because the objection was not made within the time prescribed by law.

On the four arguments (omitted above) presented officially by the public prosecutor, violation of article 257 of the code: As Miranda was not considered to be an informer by article 367, his testimony was admissible, inasmuch as he had taken no part in the robbery and attempted piracy, and made his deposition according to article 11 of the law of the 8th April, 1815, on piracy. In the writ of accusation this observation is made. Captain Pelletier is forced to acknowledge himself
obliged to show his papers to the authorities of Fort
113 Liberty, when Miranda informed on him, whom he
calls a secret informer. Yet when this accusation was read in court by the clerk, the accused did not object to it. When objections were made it was already too late.

In regard to the third argument, violation of article second of the code, as the crime of slave-trading is made similar to piracy by statute, and consists not only in the purchase and sale of persons, but in every enterprise having such a trade in view. According to this principle the attempt at piracy proved in this case is just as criminal as if the crime had been accomplished.

In regard to the fourth argument, violation of article 251 of the code, the list of witnesses originally summoned is as follows: Pierre Miranda, Theodore N. Cesvest, and Maximil-

ian Vil, the name of Dupuy not appearing. Clavier was the only lawyer who protested against Dupuy's testimony, and his objection was overruled. The judge decided, in this case, that article 251 was not violated.

In regard to the ninth argument, false interpretation and misapplication of articles five and six of the code: In criminal cases the motives of judgment depend upon the facts proven to the jury. After evidence, evidence cannot be adduced as reasons for setting aside the verdict.

In the 10th, 11th, and 12th arguments, abuse of power, false interpretation, and misapplication of article third, title second, of the law of the 8th April, 1815, and of articles 2, 10, 20, 44, 324, and 326 of the code, and violations of the rules of competency. The laws of 1808 and 1815, alleged by complainants, were properly interpreted, and leave no doubt of the meaning of the legislators who enacted them; "as the crime of piracy is carried on by so many nations, the term must be understood by all of them." Article 1 of the law says that—

Every person accused and convicted of piracy, and who has committed homicide at sea, on any kind of a vessel, of any nation, shall be punished with death, and his vessel and its contents shall be confiscated for the benefit of the republic.

Article 2 says:

Everything found on board a piratical vessel shall be sold at public auction, and the proceeds put into the public treasury, to remain a year and a day, according to law, subject to the claims of third persons.

Article 3 says:

Every person accused and convicted of piracy, but not guilty of homicide at sea, shall be sentenced to five years in irons.

The design of these laws is very plain. Article 5 of the same law says:

Foreign pirates landing on the coast of the republic, or cap-

tured by cruisers within the dominion of the state, shall also suffer death if they have committed homicide on board Haytien vessels or those trading within the republic.

In this case the senate differs upon the article in question, viz: 5th, title 1, of the law of 24th of August, 1818; it is as follows:

Crimes committed by foreigners on their own vessels, for revolt, mutiny, sedition, or similar offences, having no influence on this country, shall not be punished in Hayti.

The spirit of article 5 is plain; but if these same vessels attempt to commit piracy or slaving upon the coast of Hayti, the influence is not less evident, and is a violation of the laws of nations; to sustain the contrary, it would be necessary to blot out these words from article 5: "all other cases having no influence on the country."

Let it never more be said, then, that Haytien courts have no jurisdiction of criminal cases of foreign pirates when there is no accusation of homicide.

Piracy is constituted by different acts of a certain nature, specified in the law of 1815, as well as the old laws on the subject, and by this law every one is an accomplice who knows the facts and does not inform the civil or military authorities.

As the legislature wishes to embrace every possible
114 case in its late acts, it left old ordinances in force when the new statutes seemed to be wanting in effect. This is done in article 8 of the said law. As Antonio Pelletier is declared guilty of piracy and fraudulent abstraction of merchandise at sea and on land, (island of Caiman,) to the injury of John Cotis and Antonio Caño, the verdict of the jury proves these crimes to have been committed in Hayti, and the jury have convicted him of attempt at piracy and the slave-trade on the coast of Hayti; that John Henry Brown, Thomas Collar, and Urbain Castaign are his accomplices; that this attempt was of civil influence to the interests of the country, as his own object was proved to the jury; so Antonio Pelletier and asso-

ciates, foreign pirates taken on the coast of Hayti, are truly guilty of attempt at piracy on the coast of Hayti.

If the penalty pronounced against Pelletier's accomplices is the same as that punished by the law of 1808, and by old laws upon the subject, they cannot vitiate the present judgment and sentence, but it is not the same in regard to the capital punishment pronounced against Pelletier, as there is no analogy, no possible similitude between the crimes considered by the criminal code and the crime of slave trading and piracy as defined by the law of 1815, and the old laws on the subject.

According to the terms of article first of the said law, if pirates were guilty of robbery at sea, they could not be punished with death, unless they had committed murder. The depredations committed at sea against John Cotis and Antonio Caño by Pelletier, according to the jury, were not attended by murder, and therefore do not come within the scope of the penal code; but as they are offences punished by all nations, with feelings of humanity, they must have due punishment in this case.

As the criminal court at Port-au-Prince has committed abuse of power, placing itself above legislative action, in condemning Pelletier to capital punishment, thus making a false application of the law on the subject, this tribunal reverses the capital punishment of Pelletier, decreed by the lower court, declaring the words "by armed force" in the verdict of the jury not applicable to his case, and send him back to the criminal court at Cape Haytien that he may be tried again, without a jury, with a just application of the penal law, taking in consideration the former verdict of the jury, and application of the law of 1815. The other dispositions of the jury relative to the sentences against Urbain Castaign, Thomas Collar, and John Henry Brown, shall be maintained; and those against Pelletier, in regard to the confiscation of the bark William for the benefit of the state. The sentence of the court for damages and interest against Pelletier, for the benefit of Antonio Caño and Juan Cotis, shall also stand.

Given by us, T. P. Dauphin, senior judge, D. Sandford, Th.

Alexandre, jr., St. Laurent Leblanc, Theodore F. Portevien, judges, in presence of citizen D. Lallemande, substitute for the government commissioner at the palace of justice at the court of appeals, (cassation,) in open court, on the 14th day of October, 1861, and in the 58th year of independence.

All sheriffs are hereby ordered to execute this judgment; all officers of public justice, and those of civil courts are commanded to do the same; all commanders and officers of the army and navy will do their duty in this regard, when required by the civil authorities.

In faith whereof the present decree is signed by the judges and the clerk of the court.

T. P. DAUPHIN.
D. LAFOND.
TH. ALEXANDRE, JR.
ST. LAURENT LEBLANC.
TH. F. POITEVIN.
DUVILLA, *Clerk.*

115 One hundred and sixty-four words erased; ten references and three lines prolonged.

S. GUILLANMETTE.

Certified copy of the present record left with Antonio Pelletier, detained in the jail at Cape Haytien; delivered to him in person, through the wicket of said prison in that city, by me Surcune Guillanmette, chief clerk, for the time being, of this court; the cost being 52 gourdes, besides the original cost of the suit.

Cape Haytien, 10 June, 1862; in the 59th year of Haytien independence.

S. GUILLANMETTE.

Mr. Pelletier to Mr. Seward.

WASHINGTON, *October* 11, 1864.

SIR: I beg leave to transmit to you for file, with the papers

in my case, a brief relating to the illegalities committed by the government of Hayti against me, as also a letter from Mr. Linstant Pradine, on the same subject.

Very respectfully, your obedient servant,

A. PELLETIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Translation.]

No. 4 RUE GRANGE BATELIERE,
Paris, August 19, 1864.

MY DEAR MR. PELLETIER: I have received, with both regret and pleasure, your letter of July 15. Regret, because it apprises me that the state of your health is bad; and pleasure, because I see that your affair is in a good position. May God grant that it receive a speedy solution. I have never known that the Department of State had, at the time, decided that it would not consider your affair; had I known it, I would not have sent my document to Mr. Whidden. I cannot conceive how the Americans, who follow nearly the same criminal procedure as the English, and who, consequently, are very scrupulous upon proofs—I cannot conceive, I say, that the Americans could have told you that there were proofs against you at the Department of State. Great God! proofs! Where have they seen them? Not a single deposition of the witnesses shows that you have been engaged in the slave trade; not a single witness has testified that you had committed piracy, unless the prosecuting party be accepted as competent witnesses. But if the department had had before it the papers which we have sent to it, it would have seen that the Haytien juries have never seen the papers from the Grand Cayman; that these papers were withheld, and that you declined to defend yourself, because, in contravention of the *lex loci*, copies of these documents had been refused you, which were so essential to your case. Can the department, by chance, have considered,

as sufficient proof, the judgment rendered against you? It would be very strange, for the only question at issue is to know whether this judgment is in accord with the laws of the country. Otherwise the most iniquitous judgment, no matter where rendered, would be sufficient to deprive a foreigner of the right of reclamation against the iniquity of the decision. And they also set aside and hid the papers from the Grand Cayman, in order to deprive you of all means of defence, and to hand you, bound hand and foot, to your enemies.

116 Perhaps the Department of State has considered as proofs certain correspondence and papers which were read at the investigation, where, forcing their interpretation, they have been enabled to conclude what? to prove that you had the *intention* of engaging in the slave trade. But what tribunal has ever imagined to inculpate an intention which does not manifest itself by some overt act?

Thus, you have not committed any acts of piracy; the papers from the Great Cayman's are there to prove that these transactions took place legally; you have not attempted to carry on the slave trade upon the coasts of Hayti; not a single witness has proven it. Then what remains? The change of flag! But this does not belong to the attributes of the courts of justice of Hayti; the government of the Union (United States) alone had the right to punish that act.

But let us admit that you committed piracy *without assassination;* that you may have engaged in the slave trade, the judiciary of Hayti, judging according to the laws which then governed the matter, could only initiate the process and hand you over to your consul; this was the law of the country.

However, when the government addressed itself to the commission authorized to enlighten it respecting the jurisdiction to which you should be submitted, that commission, composed of the most eminent jurisconsults of the bar and Senate, declared that you could not be tried in Hayti. This opinion of the commission, authorized by the government itself, is im-

portant, for it has prevented your being tried by a court-martial.

From the moment you intrusted us with your defense, we have asked for communication—that is to say, copies of the papers which might be useful to us. They were refused to us. We then addressed ourselves to Mr. Lewis, then the consul at Port-au-Prince; Mr. Lewis applied officially to the minister for them; the latter replied that he gave orders to the commissioner of the government to give us these copies; this was false. We made the same demand, in writing, of the criminal court, in open court, and agreeably to law. We there met with the same denial. We were merely offered the *communication* of the documents while the court was sitting, as if, while we were attending to the debates, when our attention was riveted upon the testimony of the witnesses, we could withdraw ourselves from these important cases to read papers of so much importance; this was a denial in disguise. It was then that, believing that they desired to condemn you in spite of and without hearing your defence, we gave you the advice not to defend yourself at all, since you were condemned in advance. Therefore, as you had committed no murder upon the high seas, the tribunal at Port-au-Prince had no power to try you, neither as a pirate nor as a slave trader; and though your consul should have been unwilling to acknowledge you because you had changed your flag, the government was bound to act as though you had no consul, and to send you to the United States; this is the law of the land. To hide (withhold) the papers which would serve in your defence, without being willing to furnish copies of them, as provided by law, was in advance to condemn you. Mr. Lewis can testify to these facts, and his correspondence with the Haytien ministry is there; you must have it in your possession.

Besides, the sentence rendered against you is iniquitous, and your advocate must protest against all that has been done.

I regret that my means will not allow me to go to Washington to plead this case. But, if what I here write you can

serve to guide Mr. Ruggles in the discussion of the points of law of the question, I shall be highly pleased. As to the material facts which have preceded and followed your arrest, you are more capable than I am to establish them. But all I state in this present letter I can establish, either by papers transmitted to you or to Mr. Whidden, or under my *solemn* oath. You will, therefore, communicate this letter to your counsel, if that can serve you.

On Sunday next I intend to pass the day with the
117 ladies, your sisters, who are ever exceedingly kind to me.

By the last steamer Madame Linstant was in excellent health, and also the children. My respects to Mr. Ruggles.

Yours, truly,

LINSTANT PRADINE.

Extract from the arguments (points) presented to the court of cassation (appeal) of the republic, against the judgment rendered, August 30, 1861, *against Antonio Pelletier and associates.*

1*st argument (point.)*—The violation of article 211, of the criminal code of instruction, and of the sacred right of defence, in that this article requires that a copy of the verbal processes proving the offence, and of the written declarations of the witnesses, be delivered without costs to the accused or to his counsel. Now, in spite of the repeated demands of the prosecutors, made both verbally and by request to the senior judge, and by demands taken at the bar, the said copy has been unmercifully refused them, the chief justice and the criminal court being content to offer to communicate to them during the sitting of the court the said papers. Now such a communication could not take the place of, for the facilitating of preparing the defence, the copy which article 211 prescribes shall be delivered. From which it follows that the plaintiffs have been deprived of the papers which they deemed indispensable

to their defence, and of which the law had assured them the delivery without expense; that the refusal to satisfy this demand in the case has militated against the sacred right of defence, and all violation of this law carries with it nullity.

3d point.—The violation of articles 199 and 202 of the same code, and still a violation of the sacred right of defence, in that the chief justice in interrogating the witness Thomas Collar, who does not understand the French language, and in making to him the interpellation and notice prescribed by the article 202, was not assisted by an interpreter. The said Thomas Collar, it is clear, did not receive any notice. All his rights are consequently preserved, (article 203,) and he may avail himself of them when he appeals against the final judgment.

7th point.—The violation of article 265 of the criminal code of instruction, in that the interpreter required to assist the accused Thomas Collar, who does not understand the French language, did not take the oath demanded by the said article, upon pain of nullity.

The character of *sworn interpreter* does not exempt the interpreter required to assist the accused before the criminal tribunal from being sworn; for this would be otherwise to create an exception and a legislative provision foreign to the law now in force.

9th point.—The false interpretation, and, as a sequence, the erroneous application of articles 5 and 6 of the crimiual code of proceedings, which has no connection with the case at issue. In fact, Pelletier and associates are accused neither of the counterfeiting of the national moneys having currency, nor of any of the crimes mentioned in said articles, and which make foreigners amenable to the Haytien tribunals. From this it must be inferred that these two articles have only been arrived at in the judgment to which there is no appeal, but to be enabled to reserve the cause which is without the Haytien competency.

10th point.—Excess of power, false interpretation, and false

application of article 3d, title 2d, of the law of the 8th of April, 1815, upon piracy; and of articles 2, 10, 20, 44, 324, and 326, of the penal code, and violation of the rules of competence.

In fact it appears from the observations of Danmec, in consequence of which the law of the 1st of November, 1814, imposing the penalty of death against pirates, has been repealed, that the senate of 1815 only had in view the
118 defining and punishing the *local piracy of the country*, as that illustrious citizen expressed it, that is to say, piracy committed by Haytiens; this is the animus of the legislator. This intention being known, let us see if the law of 1815 is not conformable thereto, that is to say, whether it does not relate more particularly to piracy committed by the Haytiens.

In the first place, title 1st of the said law of 1815, which defines the constitutive characters of piracy, only mentions the *barges o other vessels of the country;* of the Haytiens who lend their assistance to the fitting out of the said barges or vessels of the country.

Title 2d, which enumerates the penalties which bear against pirates, presents the same fact. The penalties are death, five or six years in irons, with the confiscation of the vessel, &c. But as the pirate is without the law of nations, the legislator could not, without rendering this law incomplete, occupy himself with piracy committed by foreigners, and he has always taken care to do it in a precise manner, by designating them, or by employing expressions which have no equivocation as to his intention. Thus in articles 5 and 8 of title 1st; in the first he adds, *whatever may be its crew*—expressions which embrace foreigners as well as nationals (natives) in its provision.

In the second, foreigners are designated textually. Thus, articles 4 and 5 of title 2d; and however general may appear, at first sight, the terms of article 3d, it is evident, according to the *ensemble* of the law, that they are only applicable to Haytiens, for immediately after come the articles 4 and 5, pecu-

liar to foreigners, which would be useless if article 3d applied to them. What proves this superabundantly, are articles 1, 4, and 5, of the same title 2d, where we see that the only penalty carried against foreigners accused and convicted of piracy is the penalty of death, and that was to be, foreigners not being amenable to the Haytien tribunals, only when they have committed piracy, accompanied by murder.

Therefore, every foreigner accused and convicted of piracy, without murder, must be, pursuant to article 5 of the law of the 24th of August, 1808, which is the common law, returned to his country there to be tried, or delivered over for that purpose to his consul. There is no exception to this rule, except in the case of piracy, accompanied by murder. Then the Haytien tribunals have the plenitude of the right of jurisdiction. In that case alone the senate derogates from the article 5 of the law of the 24th of August, 1808, and adopts the observations of Danmec. It is furthermore thus that the tribunal of cassation (appeal) has judged it by its decision of the 23d of May, 1815, in a case where the piracy was accompanied by murder. And the counsel for the accused had refrained from invoking the said article 5 of the law of 1815; he had limited himself to arguing that these pirates having been captured more than 300 leagues from Hayti, should escape the the Haytien jurisdiction. The court of appeal (cassation) overruled that argument, and it did well to do so.

Far from being limited to the offences and crimes committed in our bays and ports by foreign seaman upon their own vessels and against their officers or comrades on board ship, this article 5, of the law of 1808, is general and constitutes the common law in Hayti.

This appears in the most evident manner from the circular of the Secretary of State of the department of justice, under date of the 24th May, 1815; from the observations of Danmec, reproduced in article five of the law of 1815, from a decision of the court of cassation (appeal) of the 27th March, 1860.

Therefore, piracy being a complex crime, the pretended rob-

bery with armed force, with menaces and violences, committed on the high seas on board the William, would constitute in the case an act of piracy; that is to say, a special crime in its nature, surrounded by circumstances which are essential to it, and without which it could not exist. In fact, piracy without threats, violence, &c., could not be pretended by unconnecting
119 this pretended robbery with threats, &c.; to apply to it the penalty enjoined by article 326 of the penal code, and by making of piracy a simple act, punishable by article 3, title 2. of the law of the 8th April, 1815, the criminal court has committed an excess of power, violated this principle that a general law can never be presumed to abrogate a special law which has preceded it, falsely interpreted article 3d of the law of 1815, and articles 2, 10, 20, 44, 324, and 326 of the penal code, and violated the rules of competency.

11*th point.* It is true, as a general principle, that the pirate is without the pale of the law of nations; that he does not belong to any nation; and that he is the enemy of all nations. This is only to be understood with respect to the right which every nation has to fully examine him, no matter what the flag is which covers him, and under whatever latitude he may have been captured; but once captured the pirate can never be tried but according to the special laws relevant to the matter, and enacted by the state which has made the capture. Hence the law of the 8th of April, 1815, upon piracy, and that of the 19th of November, 1839, upon the suppression of the slave trade, are the two special laws which must be consulted in the case. Article 5th, of the first, and article 4th, of the second, forbid us in a formal manner to try foreigners accused and found guilty of slave-trading and of piracy, not accompanied by murder. The question, therefore, was not, in this case, either to inquire whether Pelletier and his associates should be referred to another tribunal of the republic, since they are not triable by any, they not being accused of murder, or what penalty was applicable to them; the two laws of 1815 and 1839 not recognizing this right in any Haytien jurisdiction.

The incompetency is therefore radical and absolute, and as such could be presented at any stage of the case; and the criminal court should have so officially declared it. Whence it follows that by keeping back the cause, and by trying Pelletier and associates, the tribunal has violated the rules of competency, committed an excess of power, and violated article 5th, of the law of April, 1815, and article 4th, of that of the 19th of November, 1839.

12th point. Another excess of power is that the acts of robbery, violence, and threats, imputed to Pelletier, a foreigner, by Cotes, a foreigner, if they were true, would have been committed in the common dominion of the high seas, and shortly after the departure of the William from Carthagena for Hayti. Hence it is a general principle that criminal laws are essentially territorial, and that the right of punishing being but a consequence of the right of sovereignty, the jurisdiction of each nation cannot extend to acts which have occurred among foreigners and abroad.

These facts have escaped the Haytien courts, and by taking cognizance of them to judge them, the criminal court has encroached upon the jurisdiction of Pelletier's country, to which this business is devolved, and has committed an excess of power, susceptible of endangering the safety of the state. This is what our legislators have desired to avoid by respecting the principle which forbids to prosecute crimes committed without the territory of Hayti other than those mentioned in articles five and six of the code of criminal instruction.

But in order that the pretended robbery by force of arms, with violence and menaces against the parties, could have some connection with the attempts at piracy and slave trade imputed to Pelletier and associates, it would be necessary that all these acts should be committed in the course of the same voyage. Hence it appears from the examination that the pretended attempts at piracy and the slave trade, of which Pelletier and his associates are accused, would have been committed at Port Liberté; that is to say, from the departure of the William

from Port-au-Prince upon the return of the vessel, when her crew was in part changed, more than five months after the pretended robbery with armed force. Whence it follows that not the slightest connection is perceived between the Cotes affair begun and concluded at the Grand Caymans, one
120 of the British dependencies, and the pretended attempts at piracy and slave trading of which Pelletier and his associates are accused.

Be it as the tribunal has adjudged it, that the Cotes affair should be detached from the fact of piracy; be it as principles demand it, that it forms an integral part thereof; that it constitutes it neither in the one nor in the other hypothesis; it does not appertain to the Haytien jurisdiction to take cognizance thereof.

Cotes and Cano must address themselves for the redress of their grievances to the natural judges of Pelletier.

LINSTANT PRADINE.

ISLAND OF GRAND CAYMANS, *ss:*

I do hereby certify, as a magistrate of the above named island, that I was not aware of any forcible means whatever being in any way used by Captain Pelletier, of bark William, in compelling Juan Cortes in selling to him a lot of articles, such as tobacco, corn, and soap, and that he, Juan Cortes, was not troubled or in any way interfered with whatever by the people of the island.

Given under my hand, this 15th November, 1861.

EDMUND PARSONS,
Justice of the Peace.

CITY AND COUNTY OF NEW YORK, *ss:*

Joseph Dubreuil, of New Orleans, in the State of Louisiana, being duly sworn, says, that for several years, including the period from 1855 to 1861, he was book-keeper for the firm of

Delaunay, Rice & Co., of 16 Carondelet street, in said city of New Orleans, cotton brokers and merchants, and during said period was familiar with the business of the said firm.

And this deponent further says that he is acquainted with Captain Antonio Pelletier, of the city of New York, and became personally acquainted with him about the year 1859; that previous to that time and about the year 1856, said Pelletier became interested in the business of the said firm as a partner, investing in the same as capital the sum of $30,000, which he paid in cash; that afterward, in the year 1860, there was an accounting between the members of the said firm, upon which the interest of the said Pelletier in the capital thereof was found and agreed to be $50,000, which remained in the business of said firm.

And this deponent further says, that in the fall of the year 1860, the said Pelletier fitted out and loaded, at Mobile, the bark William, a vessel owned by him, with a cargo of lumber for Carthagena, and took on board of said bark for purposes of trade in gold dust, 36,000 French five-franc pieces, $3,000 in American gold coin, and $2,000 in Spanish-American gold, all which coin passed through deponent's hands and was by him delivered to said Pelletier on board the said bark William, in the lower bay of Mobile, when she was ready for sea.

And this deponent further says, that he settled the accounts for the alterations and repairs of the said bark at Mobile, and for the cargo of lumber put on board, and for her provisions, all which amounted to over $20,000.

And this deponent says, that the value of the said bark William, at the time of her sailing from Mobile for Carthagena, on said voyage, was $35,000, or more.

And this deponent further says, that there was an understanding between said Pelletier and said firm of Delaunay, Rice & Co., of which he was a member, that, after closing his business at Carthagena, he should load the said bark
121 with guano, at some of the deposits of that material in

the Caribbean sea, and return therewith to New Orleans and deliver the same on account of the said firm.

JOSEPH DUBREUIL.

Subscribed and sworn to before me, November 9, 1864.

H. LOWENBERG,
Notary Public.

CITY AND COUNTY OF NEW YORK:

Daniel Bowly, being duly sworn, says that he is an attorney and counsellor-at law of the supreme court of the State of New York and of the Supreme Court of the United States; that he has been legal adviser of Captain Antonio Pelletier for many years last past, commencing before the period of his incarceration by the government of Hayti; that the legal matters and proceedings in his hands as such legal adviser and the amount of money involved therein exceeded the sum of $400,000; and that if the said matters had been duly prosecuted or defended, as the case might be, this deponent, as such legal adviser, believes that said Captain Antonio Pelletier would have been successful therein; but that in consequence of his absence from the State of New York and the United States at the time referred to, the same could not be properly tried or defended; and that by reason thereof, the said Antonio Pelletier has lost the said sum of $400,000, and upwards.

DANIEL BOWLY.

Sworn to before me, this 10th day of November, 1864.

H. LOWENBERG,
Notary Public for and in the City of New York.

Mr. Pelletier to Mr. F. W. Seward.

NEW YORK, 10 WALL STREET,
November 7, 1864.

SIR: I beg your indulgence for calling your attention to a

brief relating to the illegalities committed by the government of Hayti against me, as also a letter from Mr. Linstant Pradine on the same subject, transmitted by me to the department to be filed, on the 11th ultimo.

I find that I omitted to mark or number the said papers in any way to distinguish them, and as I regard them as of very great importance I take the liberty to ask you to devote a moment of personal attention to seeing that they shall be properly marked for identification and carefully filed with the other documents in my case, so that they cannot be lost or mislaid. They are in the French language.

I am, with great respect, your obedient servant,

A. PELLETIER.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

Mr. Pelletier to Mr. Seward.

No. 109 EAST 27TH STREET, NEW YORK,
November 15, 1864.

SIR: I enclose, to be filed among the proofs in my case—O, affidavit of Joseph Dubreuil; P, affidavit of Daniel Bowley.

122 These affidavits are very important towards showing the losses I suffered by reason of my imprisonment in Hayti.

Very respectfully, your obedient servant,

A. PELLETIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whidden to Mr. Seward.

No. 82.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *November* 22, 1864.

SIR: The duplicate of your No. 46 having just arrived by

the last steamer will account for that despatch not being answered before.

The papers belonging to Captain Pelletier, which were in this legation, were sent to him long ago. Some papers of his which were sent to the United States consulate in 1861 have been obtained from that office recently and by his request sent to him by my clerk. I have also found in the consulate copies of correspondence between the Haytien minister of foreign relations and the United States commercial agent here in 1861, before this legation was established. They show the ground taken by the Haytien government in the Pelletier affair, and I have procured a translated copy of a note dated February 9, 1861, which is herein enclosed, marked A. I also enclose a copy of a note from the same minister to Redpath, their agent at that time in the United States, marked B. I also enclose a newsaper published in this city, under date of August 22, 1861, which contains the closing part of Pelletier's trial in the criminal court. It is marked C.

I have the honor to be, sir, very respectfully, your most obedient servant,

B. F. WHIDDEN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—He was afterwards tried and found guilty in a higher court. That has already been furnished with the charges.

A.

Mr. Pleasance to Mr. Lewis.

[Translation.]

SECRETARY OF STATE FOR FOREIGN RELATIONS,
PORT-AU-PRINCE, *February* 9, 1861.

SIR: I promised you in my last letter, in reply to yours of the 3d instant, that I would lose no time in laying before you

a series of documents relating to the affair of the American bark William. These documents, 15 in number, which I have combined, and which I herewith transmit to you, will show you that the Haytien government has not acted on this occasion with the brutality of which it has been gratuitously accused; that in acting as it has it has conformed itself to the requirements of the revenue law, which prescribes its duty, and that, in the whole course of the searches which it has made it has not disregarded, as you have erroneously asserted, either the respect due to the flags of notions with whom we have commercial relations, nor to the consideration with which
123 it has always made it a point to treat foreigners, even when it observes on their part presumption of a nation demanding vigorous but necessary investigations. Very recently you have had a striking evidence of the extreme anxiety which causes the government to observe and prescribe circumspection whenever its agents are under the painful necessity of proceeding against foreigners. When the arrest of Mr. Lionel Jobert, a French subject concealed on board an American vessel, against whom we had very great causes of complaint, was under consideration, did not the proper authorities officially apprise the commercial agent of the United States of their intentions? Can the government justly be reproached with having departed from that entirely amicable line of conduct toward the agents of foreign powers who reside among us.

Has the government on its part ever failed to manifest deference to their complaints, even when it has been unable to satisfy them?

When the Haytien officers repaired on board the American bark William, they went solely to investigate some infractions of the revenue laws, although the government was in possession of charges against the captain of that vessel relative to misdemeanors of another sort, and unquestionably of a very serious nature, and it was only during their visit that our officials accidentally obtained a confirmation of the statements

made in the charges before mentioned. Thus the government. in making lawful searches on board the bark William, exercised a right which cannot be disputed either by consignees residing in the country, or by the captains of merchant vessels, who, in coming among us, are fully apprised of all that the law requires for the preservation of our fiscal interests. It is understood that when a vessel enteres our ports, custom-house officers and a guard of soldiers may be stationed on board while she is discharging. This law, although not rigorously administered, exists nevertheless in full force. That in regard to making searches, examining seals, also, the number of articles on deck, is no less undoubted; that requirement of our laws on that point are rather superabundant than insufficient. I am not aware, Mr. Agent, that for such objects, which are entirely without the province of the administrator of customs and of police, that there has been any necessity for the intervention of any consular agent.

It is the first time, I think, that such a complaint has been made, and in what case? In the case of a vessel arrived without regular papers, which claims to have cleared from Mobile for Port-au-Prince, when the contrary is evident from all the ascertained facts, and when, furthermore, the gravest presumption appears to furnish burden of overwhelming probabilities against the captain, overtaken in default. I am inclined to believe, after you have attentively examined the different documents which accompany this letter, that you will be convinced that the Haytien officers of whom you complain have acted neither with the precipitancy, nor in the arbitrary manner of which they are accused, and that you will plainly perceive the untruthfulness of the reports which have been made to you, and which have influenced your despatch.

There is even among the enclosed papers a formal protest, from the commandant of this place, from the harbor master, and from the substitute of the government commissary agent, an accusation which they indignantly repudiate, with proper reservation against whomsoever may have been its author.

By my present despatch, and the papers which accompany it, you are enabled, Mr. Agent, to consider the affair of the bark William in its proper light; far from my government having anything to reproach itself for in the premises, or from having any satisfaction to make, it formally denounces to you the conduct of Captain Pelletier, reserving to itself, should it be necessary, an appeal to the justice of the United States, too elevated to condescend to tolerate acts which are reprobated by all nations who entertain self-respect.

I think then that, after taking cognizance of all these
124 documents, you will easily return from the first point of which, under the influence of a first impression, you have surveyed this affair.

Deign to accept, sir, the assurance of my high consideration.

V. PLESANCE,
Secretary of State for Foreign Affairs.

Mr. F. N. Lewis,
Commercial Agent of the United States, Port-au-Prince.

Certified, true copy:

D. HUGERE,
Chief of the Bureau for Foreign Affairs.

B.

Mr. Plesance to Mr. Redpath.

[Translation.]

No. 1.] Secretary of State for Foreign Affairs,
Port-au-Prince, *March* 8, 1861.

Sir: A circumstance has occurred within these few days past of which it is proper that I should give you a brief account, by way of useful information. The American vessel William sailed from Mobile, and, after touching at Cartha-

gena, Cienfugos, and the Grand Cayman, arrived at Port-au-Prince without any regular clearance, but furnished with an equipment indicating a vessel fitted out for the slave trade. On her arrival the captain, Pelletier by name, hastily imprisoned five of his sailors under a frivolous pretext. In the interval, the carpenter on board addressed a statement to the authorities, denouncing the captain as having come to Hayti for the purpose of enticing away a certain number of men, whom he intended to sell in the Southern United States. He accused him, further, with having taken an English family on board at Carthagena, together with certain freight belonging to them, whom he afterwards inhumanly put ashore on the Grand Cayman, retaining a large portion of their goods upon the score of payment for passage and freight.

The authorities being warned, visited the vessel, and ascertained, beside the irregularity of clearance, the existence of a certain number of handcuffs, and a quantity of provisions exceeding the wants of an ordinary passage. Notwithstanding, the agents of government confined themselves to the fact of the irregularity of the manifest and the excess of provisions, &c., and proceeded against the vessel in the same manner as against any other vessel detected violating the revenue laws.

At the same time the English consul was officially notified of the detention of goods, made to the detriment of the English vice-consul at Carthagena.

They also went to the prison, and the report of the examination of the five sailors under arrest presented charges identical with those drawn up by the carpenter on board against Captain Pelletier. Upon the complaint of the American commercial agent of encroachment upon American property, as he says, the flag of the Union trampled under foot, &c., I replied to him setting forth distinctly the truth of the matter, and even informed him that should he not come to a better appreciation of the facts it would then become the duty of the Haytien government to address itself directly to that of the United

States, to complain of the conduct of Captain Pelletier, and to demand an explanation.

I send you enclosed copies of the correspondence exchanged with the American commercial agent. You will see, also, in No. 12 of the Monitor of the 3d of February, which I forward to you, the account of all that has transpired in that
125 affair. I call your sincere attention to the facts set forth in this journal, and I recommend to your sagacity, if occasion should serve, the making such use of these documents as may appear to you the most advantageous to the interest of justice, of truth, and for the respect of the law of nations.

I have nothing of moment to communicate to you. Our country enjoys perfect tranquillity. In running over the journal which is addressed to you, you will be able to ascertain the measures which the government continues to employ for the purpose of promoting public prosperity.

Deign, sir, to accept the assurance of my distinguished regard.

V. PLESANCE,
Secretary of State for Foreign Relations.

Mr. REDPATH.

(Also see newspaper marked C.)

Mr. Pelletier to Mr. Seward.

109 EAST 27TH STREET, NEW YORK,
January 21, 1865.

SIR: I have the honor to transmit herewith, to be filed among the papers in my claim against Hayti:

Q.—Depositions of persons at Grand Caymans, dated November 15, 1861.

R.—Protest of master, officers, and seamen of the bark William, of New Orleans, dated December 20, 1860.

S.—Opinion, original and translation, of Linstant Pradine,

a distinguished counsellor of Port-au-Prince, dated August 7, 1863.

I have the honor to be, very respectfully, your obedient servant,

ANTONIO PELLETIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Q.

UNITED STATES CONSULAR AGENCY,
GRAND CAYMAN, *November* 16, 1861.

I do hereby certify that the annexed depositions were sworn to and subscribed before me the date and year above written, and I am satisfied that the parties subscribing thereto, namely, James R. Watler, Thomas S. Watler, William N. Thomson, Domingo Martines, and William Eden, junior, are credible persons, and that the statements made by them under sacred oath are true.

From under my hand and seal, the above date and year.

[SEAL.] W. E. EDEN, SR.,
United States Consular Agent.

UNITED STATES CONSULAR AGENCY,
GRAND CAYMAN, *November*, 1861.

GRAND CAYMAN, *to wit:*

Depositions of the following persons taken before me, William Eden, senior, United States consular agent for the island of Grand Cayman, relative to the proceedings which took place between Captain Antonio Pelletier, of the American bark William, and one Juan Cortes, passenger on said bark, which arrived at this port in December last:

James R. Watler, sworn, states that on Captain Pelletier's arrival at this port he went on board and engaged to
126 supply him with fresh provisions, such as sheep, pigs, turtle, potatoes, &c., for which Captain Pelletier very

honorably paid him. Relative to Captain Pelletier using force of arms, assisted by the natives of this island, to force Juan Cortes into measures beneficial to said Captain Pelletier, he solemnly swears to be false, as he was a party concerned in the auction business, and acted as crier. The goods not realizing the prices suitable, the sale was stopped. The next day Captain Pelletier and Cortes arranged that he, Pelletier, would purchase certain cargo on board the bark William belonging to said Juan Cortes for the sum of $1,000, which was amicably done. All papers relative to the sale of said cargo was done through an interpreter and apparently quite satisfactory to both parties.

J. R. WATLER.

Thomas S. Watler, sworn, states that he attended a public sale in December last on board the American bark William, Antonio Pelletier master, lying to anchor at Georgetown harbor. Goods exhibited for sale consisted of corn, soap, lumber, tobacco, &c. They not realizing prices according to expectation, the sale was stopped by the captain, apparently agreeable to all concerned, and that he saw nothing whatever contrary to a gentleman in the conduct of Captain Pelletier; and also states that he was in company with Juan Cortes twice that day, and that he heard him say nothing against Antonio Pelletier, and appeared to be quite satisfied, but very anxious to get away.

THOMAS S. WATLER, Sr.

William N. Thompson, justice of the peace, sworn, states that the bark William, Antonio Pelletier master, was at this island in December last, and that he was in company with said Pelletier, and saw nor heard of any misconduct in him; and that he heard of no complaint made by Juan Cortes, who was a passenger on said bark William; and that if he had any complaint to make against the said Pelletier he had ample time to do so. As regards Captain Pelletier using force of

arms, assisted by the people of this island, to take the goods of Juan Cortes, it is positively false and unfounded.

WILLIAM N. THOMPSON,
Justice of the Peace.

Domingo Martinez, sworn, states as follows: I am a native of Spain, but have been a resident of this island for seven years. Know that the American bark William, Antonio Pelletier master, arrived at this place in December last. Know Juan Cortes and his wife were passengers in said bark, and that he acted as linguister for Juan Cortes. Was informed by said Juan Cortes that the vessel was from Carthagena, and that she had put into this port at his request on account of the sickness of his wife, she being in a family way, and had suffered very much from sea-sickness; and that he, Cortes, agreed to give $500 to land him at the first port he could make. Is cognizant of the transaction which took place between said Juan Cortes and Antonio Pelletier, relative to the portion of cargo on board said bark belonging to Juan Cortes; know that the said cargo was put up for sale at auction, but as prices could not be realized agreeable to their expectation the sale was stopped. Deponent further states all the documents relative to the transaction were read to him, as linguister, and faithfully explained to Juan Cortes, and that he expressed himself to be perfectly satisfied with all and every transaction in the matter. Deponent further states that he was employed to go with said Juan Cortes to Jamaica in schooner Caspian, which vessel was chartered to take him, Cortes, and wife to Kingston; that said vessel got ashore on a reef, near Kingston, but got off the next day without receiving any material injury, and they all arrived safe in the harbor of Kingston in said vessel, during which time Juan Cortes never stated to him anything against Antonio Pelletier.

DOMINGO MARTINEZ.

127 William Eden, junior, sworn, states that on the 19th of December last, the American bark William, of New

Orleans, Antonio Pelletier master, arrived in the harbor of Georgetown, said island. The said master, soon after, applied to me as deputy consular agent of the United States—father, William Eden, senior, consular agent, being off the island—requiring me to note and extend a protest relative to circumstances which occurred on her voyage from Carthagena to this place, which I accordingly did, very minutely, from his log-book.

The next day the said Antonio Pelletier stated that he had certain cargo on board, consisting of tobacco, corn, and soap, belonging to a passenger on board by the name of Juan Cortes, and that he wanted a vessel to take it to Jamaica, along with Cortes and family, at the same time stating that he had a claim against Cortez for $500 up to date, for putting himself out of the way to land said Cortez to the first port he could make. The vessel was got ready, and commenced to take in cargo, which I agreed to advance on to the amount due Pelletier, agreeable to the wishes of Juan Cortez, but as to the cargo came out of the bark it proved to be considerably damaged. I then refused to advance on it. A public sale was then called, agreeable to all parties, by me as agent, and the articles were put up to public competition, but not realizing prices suitable the sale was stopped, and the parties, namely, Juan Cortez and Pelletier, had some contention about it in Spanish which I did not understand; after which I was made to understand, by Domingo Martinez, the linguister employed, that Cortez agreed to sell the said cargo to Pelletier for the sum of $1,000, which was more than it would have realized at auction, for which a bill and receipt, made out by me, was passed between the parties, apparently satisfactory. Cortez left this in a small schooner belonging to me, chartered to take him to Kingston, for which I received from Cortez $100 and from Pelletier $150, equal to $250, being the amount of charter. Juan Cortez took breakfast with me the morning he left, and expressed himself perfectly satisfied with my proceedings.

WILLIAM EDEN, Jr.

GRAND CAYMAN, UNITED STATES CONSULAR AGENCY,
November 15, 1861.

I do hereby certify that the within protest is a true copy of the original filed in this office.

Given under my hand and seal, the date and year above written.

[SEAL.] W. EDEN, SR.,
U. S. Consular Agent, for Grand Cayman.

R.

CONSULATE OF THE UNITED STATES OF AMERICA,
AT GRAND CAYMAN, *December* 20, 1860.

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may come, that on the 19th day of December, 1860, before me, William Eden, junior, deputy vice consul of the United States of America for Grand Cayman and the dependences thereof, personally came and appeared Antonio Pelletier, master of the ship or vessel called the William, of New Orleans, of the burthen of two hundred and fifty tons, or thereabouts, now lying in the port of Georgetown laden with a cargo of pitch-pine lumber, bales of tobacco, boxes of soap, and bags of corn, who duly noted and entered with me,
128 the said consul, his protest for the uses and purposes hereafter mentioned; and now, on this day, to wit: the day of the date hereof, before me, the said consel, again comes the said Antonio Pelletier and required me to extend this protest; and together with the said Antonio Pelletier also comes Samuel B. Gordon, mate; Charles Tiscomer, carpenter; James Anderson, and William Smith, seamen of, and belong to, the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state, as follows, that is to say, that these appearers, on the 6th day of December, 1860, in their capacities aforesaid, sailed in and with the said ship from the port

of Carthagena, laden with a cargo as aforesaid, and bound to the port of Rio Hatcha; that the said ship was then tight, staunch, and strong; had her cargo well and sufficiently stored and secured; had her hatches well caulked and covered; was well and sufficiently manned, victualled, and furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that on the 6th instant, at 5.30 p. m., got under way and stood to sea from the harbor of Carthagena; at 8 a. m. came to anchor off Boca Chica; at 10 a. m. got under way and stood to sea: fresh breezes and clear; on the 7th pleasant weather, beating to windward; on the 8th commenced strong northeast gales; at 3.7 a. m. came to anchor off Point Canoe, blowing heavily, both anchors ahead with a heavy sea; at 5 p. m. hove up the best bower; at 6 a. m. parted the chain, blowing heavily from northeast, made sail and stood to sea; on the 9th fresh gales and clear; at 2 p. m. carried away the outer bob-stay, the ship pitching very heavily; on the the 10th strong gales and clear, ship laboring heavily, carried away the lashing of the spars and lost four pipes of water; nothing remarkable happened until the 16th, strong notheast gales and squally; at 2 a. m. sprung the main port trussel-trees; at 6.30 p. m. pleasant whether; at 1 a. m. cloudy and squally weather; at 3.30 a. m. wore ship and stood to the northward and westward; experienced strong current running to the westward, latitnded 17° 54′ north, longitude 79° 52′ west. On the 19th commences pleasand breezes from the north and east, all sail set. At 1 a. m. Mr. Juan Cortes, passenger, came to the said captain and requested him to change his course for the first port he could make on account of the sickness of his wife, (passenger,) who was in danger of abortion, and offering to pay all expenses that may be incurred, to which the said captain consented and kept away for the island of Grand Cayman, and anchored at the port of Georgetown in said island on the evening of the 10th; and these appearers, upon their oaths aforesaid, do

further declare and say, that during the said voyage they, together with the others of said ship's company, used their utmost endeavors to preserve the said ship and cargo from all manner of loss, damage, and injury.

Wherefore the said Antonio Pelletier, master, hath protested, as by these presents I, the said consul, at his special instances and request, do publicly and solemnly protest against all and every person or persons whom it doth or may concern, and against winds, waves, and billows of the seas, and against all and every accident, matter, and thing, had and met with as aforesaid, whereby and by reason whereof the said vessel or cargo already has or hereafter shall appear to have suffered or sustained injury or damage; and do declare that all losses, damages, cost, charges, and expenses, that have happened to the said vessel or cargo, or to either, are and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency of said vessel, her tackle or apparel, or default or neglect of this appearer, his officers, or any of his mariners.

This done and protested in the port of Georgetown, Grand Cayman, this 20th day of December, 1860. In testi-
129 mony whereof these appearers have hereunto subscribed their names, and I, the said consul, have granted to the said master this public instrument under my hand and seal of this consulate, to serve and avail him and all others whom it doth and may concern, as need and occasion may require.

ANTONIO PELLETIER, *Master.*
SAMUEL B. GERDON, *Chief Mate.*
CHARLES TISCOMER, *Carpenter.*
WILLIAM SMITH, *Seaman.*
JAMES ANDERSON, *Seaman.*

WM. EDEN, Jr.,
Deputy Consul or Agent, United States.

S.

In the matter of Antonio Pelletier, an alleged pirate. Opinion of Linstant Pradine, esq., attorney, at Port-au-Prince, and certified translation. Coudert Brothers, attorneys, New York.

The undersigned, attorney of the civil tribunal of Port-au-Prince, having been consulted in the matter of Antonio Pelletier, master of the American bark William, after having examined the documents in the suit, and the laws governing the subject in Hayti, has come to the following conclusions:

Facts. The bark William had formerly been engaged in the slave trade on the coast of Africa. Having been captured and condemned, she was sold at Key West, Florida. Captain Antonio Pelletier, of French origin, naturalized an American in 1852, purchased her for the firm of Delaunay, Rice & Co., of New Orleans.

In November, 1860, the William took on board a cargo of wood at New Orleans, and sailed for Carthagena, where the cargo could not be sold on account of the troubled state of the country. At Carthagena, Captain A. Pelletier took some freight from one Juan Cotes, who himself sailed on board the vessel with his wife and child and one servant. This was at the time of the year when the northeast winds blow at this place, and the William was unable to reach Rio Hacha, its intended destination. The provisions were beginning to give out, and as Mrs. Juan Cotes was suffering much, being pregnant, her husband proposed to Captain A. Pelletier to put him in at the first convenient port, in order to allow him and his family to go ashore. The captain then sailed for the Grand Cayman, the port most easily entered. He there landed the above passengers. Juan Cotes having no ready money to pay either the passage of himself or family, or the freight on his merchandise or the expense of putting into port, had his merchandise put up at public auction; but the prices offered not

corresponding with his expectations, he stopped the sale, and offered a part of his goods to Captain A. Pelletier, in payment of what was due him, which offer was accepted, and the transaction was effected in presence of Mr. Eden, American vice-consul, at Port Georges, (Grand Cayman,) through an interpreter, Juan Cotes speaking neither English nor French.

The American vice-consul purchased of Pelletier the merchandise that had been given him in payment, and which were put, together with the rest of the stock of Juan Cotes, on a schooner bound for Jamaica.

The parties separated on good terms, and satisfied with each other; Juan Cotes bound for Jamaica and A. Pelletier for Hayti, the latter taking with him the several documents relating to his transactions with J. Cotes, drawn up and legalized by the American vice-consul at Port George, (Grand Cayman.)

The bark William arrived at Port-au-Prince, (Hayti,) in January, 1861, and her cargo was there sold to Mr.
130 Cervel, merchant, son-in-law of the President of Hayti. Captain A. Pelletier being accused by one of his sailors, whom he had previously punished for insubordination, had some difficulty with the Haytien government, which was easily settled, and he left Port-au-Prince for New Orleans.

The Haytien government caused the William to be escorted outside the waters of the republic, by the steam aviso Getpard, of four guns, with 75 men of the regiment of sharpshooters of the guard, the William having on board only 13 men and one woman.

Finding that the William did not sufficiently obey her helm, Captain Pelletier went to the Grande Juague, in order to increase her ballast, but a squall overtook him while there and he was forced to slip the cable and lose his anchor. When the calm returned he went back to the Grande Juague to recover his anchor. The pilot brought the vessel on a reef, where she remained in distress for 18 hours, having lost her false keel, her two topmasts, and her rudder being badly damaged.

Fearing the desertion of his crew and the great expense of putting into a port of repairs, the captain was unwilling to enter any port and searched for a quiet harbor where he might easily repair his rudder.

Drifting, struggling against bad fortune, he again neared the island of Hayti, and coming in sight of a bay and a small fort on the coast, he took observations, and calculated by his chronometer that he was at Porto Plate, (Dominican republic;) he entered, but on nearing the land he recognized the Haytien flag. He wished to steer around and get away, but a brisk breeze prevented him from retracing his steps; he was at Fort Liberté.

Considering what had occurred at Port-au-Prince, and fearing other difficulties, he consulted his officers, all of whom except the mate spoke French, and it was decided that the vessel should be declared French; that its name should be the Guillaume Tell, going from Havana to the Havre; and Pelletier took the name of Letellier. He needed only two days to make the vessel fit for sea, but the affair of the William at Port-au-Prince had become known; the newspapers had given it circulation, and the commander of Fort Liberté obliged Pelletier to write to the French vice-consel at the Haytien cape. Pelletier wrote, and in his letter used the above names, and declared that, being in distress, he desired only to repair his rudder and leave.

In the mean time a sailor of very bad reputation, whom Pelletier had taken at Port-au-Prince, and who had told the other sailors that advantageous offers had been made him at the latter city should he testify against the captain, deserted during the night, and accused Pelletier before the authorities of Fort Liberté of piracy, slave trading, &c.

The French vice-consul of the Haytien cape arrived at Fort Liberté, had Pelletier and his crew arrested, put into prison, and taken to the cape; thence they were removed to Port-au-Prince, all the while in irons.

When they reached the latter city Captain Pelletier and the

crew of his vessel went through all the streets leading from the wharf to the prison, their feet in irons, hooted by the multitude, pelted with sticks and stones, the blood flowing from their wounds. Such was the bad treatment received by them from the police in charge of them, that one of these unfortunate men, being no longer able to walk, was literally dragged and thrown as dead in the yard of the prison.

The secretary of state of the general police immediately summoned to his hotel all the foreign consuls actually at Port au-Prince, declared to them that Pelletier was a pirate and a slave trader, and asked them whether they claimed him. The latter responded in the negative, and declared that the captain and his crew should be submitted to the jurisdiction of the courts of Hayti. The honorable Mr. Lewis, American consul, alone refused to sign.

The government, upon this declaration, called together a *court-martial* (special military assembly) to try the cap-
131 tain and the sailors of the William, as if these people were military men, and the taking of proof for the prosecution commenced under this unusual and extraordinary jurisdiction.

Scruples and objections arose, however, and the government thought proper to discontinue the arbitrary course that it had given to the proceedings. It formed a commission composed of the men most learned in the legislation of Hayti—Senators Duval and S. Lamort Dauphin, president of the *tribunal de cassation*, Andre Germain, commissary of the government at the same tribunal, A. Deslandes and St. Armand, lawyers—who all declared that the crimes of piracy and slave trading were within the province of a jury, but that Pelletier and his companions, being strangers, and having committed no murder, were not, by the especial laws of the country, within the jurisdiction of the tribunals of Hayti. Mr. St. Armand alone was of a contrary idea, and refused to sign his opinion. He had already taken part with the civil prosecution pending against Pelletier.

Pelletier and his companions were therefore summoned before the criminal tribunal of Port-au-Prince the 19th of August, 1861, to answer the double accusation of piracy and slave-trading. Their counsel objected to the tribunal, and on the 21st of the same month it was decided that the Juan Cotes matter was not within the jurisdiction of the court.

The civil prosecution, knowing that if the Juan Cotes matter were thrown out of the case there remained no manner of proceeding against Pelletier, and with the concurrence of the minister of foreign affairs, appealed from this judgment, which was reversed three days thereafter.

Pelletier and his companions were then sent back before the criminal tribunal. But the French vice-consul at the cape, who had caused them to be arrested at Fort Liberté, had at the same time taken their papers and sent them, under seal of the consulate, to the government of Hayti. These papers were therefore only to be opened in presence of Pelletier, or at least in presence of the French and American consuls. Instead of this, the package was opened by the commissary of the government, and all the documents were given to Mr. St. Armand, counsel for J. Cotes. The counsel for Pelletier and his co-defendants demanded, by virtue of the law, a copy of the papers, which they needed for the defence of their clients. This was pitilessly refused them, as well verbally as by decision of the court; seeing which, Pelletier and his companions, under advice of their counsel, refused to take any part in this *semblance* of a proceeding. Consequently, Pelletier was condemned to death, and his companions to five years' imprisonment. Pelletier appealed from this iniquitous decision; but, by a decision still more unrighteous, the court of appeals affirmed it in every particular except the sentence of death, the revision of which was referred to the criminal tribunal of the Haytien cape; but not without having (which appears incredible) modified the verdict of the jury.

The criminal tribunal of the cape, in compliance with the

order for revision, sentenced Pelletier to five years' confinement in irons. The latter again appealed from this decision. The appellate court affirmed it by a decree delivered nine months after appeal, while the law requires that it should be pronounced within thirty days.

LAW.

The question therefore is: Were Pelletier and his companions, being charged with piracy and slave trading, without any charge of murder, amenable to the tribunals of Hayti?

The undersigned does not hesitate one moment to answer, no.

It appears from the remarks of Danmec, in consequence of which the law of Nov. 1, 1814, imposing the death penalty on pirates, was abrogated, that the Senate of 1815 had in view only to define and punish the *local* piracy of the country; that is, piracy committed by Haytiens. This is the idea of
132 the legislators, for Danmec had been careful to remark that our laws forbade us to try foreigners. This opinion being known, it remains to be seen whether the law of April 8, 1815, conforms thereto.

In the first place, title 1 of the said law of 1815, which defines the distinctive character of piracy, mentions only *barges and other craft of the country*, and the Haytiens that may have aided in arming the said barges or craft of the country.

Title 2, which enumerates the penalties against pirates, is in the same spirit. The penalties are death, five or ten years of confinement in irons, confiscation of vessel, &c.

But as the pirate is outside of the pale of the *jus gentiem*, the legislator could not make his law complete without inserting a provision against piracy committed by foreigners. He has been careful in every instance to do so with care and precision, always describing them or employing expressions which leave no doubt as to his idea. Such are the articles 5 and 8 of title 1.

In the former he adds, *whoever may compose the crew*, which expression comprises both foreigners and citizens. In the lat-

ter the foreigners are designated in the text. Such, also, are articles 4 and 5 of title 2; and however general may appear at first sight the text of article 3, it is evident from the general purport of the law that it applies only to Haytiens, as it is immediately followed by the said articles 4 and 5, specially concerning foreigners, which would be unnecessary if article 3 had reference to them. It is proven beyond doubt, by articles 1, 4 and 5 of the same title 2, which mention as the only punishment of foreign pirates the death penalty; and very properly so, as the latter are only amenable to the tribunals of Hayti, when to piracy they join murder.

Therefore any foreigner, indicted and convicted of piracy without murder, should, in compliance with article 5 of the law of August 24, 1808, which is the common law of Hayti, be returned to his country to be there tried, or placed, to be so returned in the custody of his consul. The only exception to this rule is in the case of piracy coupled with murder. In such a case the tribunals of Hayti have ample and complete jurisdiction. In this case only does the Senate derogate from article 5 of the law of August 24, 1808, and adopt the argument of Danmec. (See article 5 of the law of April 8, 1815.) This is, moreover, the view taken by the court of appeals, by decree of 23d May, 1815, in a case of piracy with murder, and in which the counsel for the accused had been careful not to invoke the said article 5 of the law of 1815, but had confined himself to the argument that the pirates having been captured at a distance of more than 300 leagues from Hayti, were not within its jurisdiction.

The court of appeals very properly rejected this argument.

Far from being applicable only to crimes and misdemeanors committed in our ports and harbors by foreigners on their own vessels, against their officers or shipmates, the article 5 of the law of 1808 is general, and forms the common law of Hayti, as is evident from the circular of the secretary of state and justice, dated May 24, 1845; from the remarks of Danmec, reproduced in article 5 of the law of 1815; from a decree of

the court of appeals of the 27th May, 1860, (Mat. of Hidalgo;) and from the observations of the commission charged with the investigation of the present case.

If it is admitted on general principles *that the pirate is an outlaw, a citizen of no nation and an enemy of all*, this should only be so understood for the purpose of giving to all nations the right of minute search, without regard to the flag under which he may seek shelter, nor to the latitude in which he may be captured; but when captured the pirate can only be tried by the particular laws on the subject, passed by the nation that captured him. Now, the law of April 8, 1815, on piracy, and the law of the 19th November, 1839, on the suppression of the slave trade, are the two particular laws to be consulted in the case. Article 5 of the first, and article 4 of the second, expressly prohibit us from trying foreigners indicted and convicted of slave trade or piracy, not accompanied with
133 murder. It is therefore not the question whether Pelletier and his companions should have been sent before any other tribunal of the republic, since they are amenable to none, not being accused of murder, nor what penalty they were subject to, the two laws of 1815 and 1819 denying such right to any authority of Hayti. The want of jurisdiction is therefore clear and absolute.

The criminal tribunal should so have officially declared.

From which it results that in trying Pelletier and his companions, the said tribunal exceeded its authority, and the court of appeals, in affirming its decision, sanctioned an abuse of power and the violation of article 5 of the law of April 8, 1815; of article 4 of the law of 19th November, 1834, and of article 5 of the law of 1808.

That the law of April 8, 1815, in relation to piracy, may be incomplete, is admitted; but it was the only one that the republic could pass at the time, and, incomplete or not, it was the law of the land, and should have been obeyed. It was the province of the legislature to modify it, if deemed advisable. In the mean time it was entitled to respect.

We have already remarked that the alleged violence, threats, ill-usage, &c., of which Pelletier, a foreigner, was accused by J. Cotes, also a foreigner, was the only ground of the prosecution. In fact the acts, if it is proven that they were committed, must indeed have been committed on the high seas, and shortly after the William left Carthagena for Hayti. Now, it is a general principle that criminal laws are strictly territorial, and that the right to punish being but a consequence of the right of dominion, the jurisdiction of a nation does not extend to acts between foreigners in a foreign land.

These acts are not within the jurisdiction of the tribunals of Hayti, and the court of appeals, in taking cognizance of them and trying them, countenanced a transgression upon the jurisdiction of Pelletier's country, where this matter should have been tried, and was guilty of an abuse of power that might well have endangered the safety of the state. It is this that our legislators desired to avoid, in respecting the principle which forbids prosecution for crimes committed outside of the territory of Hayti, other than those mentioned in articles 5 and 6 of the code of criminal procedure.

But we have already proved that the transactions between Pelletier and Cotes had every characteristic of the strictest good faith, and that Pelletier was never allowed to examine the documents, because the prosecution was interested in concealing them.

From which it must appear that it was not the province of the tribunals of Hayti to entertain the complaint of Cotes against Pelletier; that the said complaint should have been dismissed, and the complainant referred, for the redress of his alleged grievances, to the proper judges of Pelletier.

Considered at Port-au-Prince, August 7, 1863.

LINSTANT PRADINE.

STATE OF NEW YORK,
City and County of New York, ss :

I, Louis Léonce Coudert, a notary public of the State of

New York, duly commissioned and sworn, do hereby certify that I have carefully compared the foregoing translation with the original thereof hereto annexed, (in the French language,) and that the same is a true, faithful and correct translation of said original, and of every part thereof.

In testimony whereof, I have hereunto set my hand and seal of office, at the city of New York aforesaid, this twenty-ninth day of December, Anno Domini one thousand eight hundred and sixty-four.

[SEAL.] L. LÉONCE COUDERT,
Notary Public for the State of New York.

---

134 *Mr. Pelletier to Mr. Seward.*

109 EAST 27TH STREET, NEW YORK,
March 11, 1865.

SIR: I enclose the affidavit of the Rev. Father Célestin Pitholat, late curate of Cape Haytien, Hayti, in relation to my claim against the government of that republic.

I wish this affidavit filed with the other documents in my case.

You will observe that it possesses special importance as establishing the determination of President Geffrard to sacrifice me in pursuance of his ideas of policy, regardless of right.

I have the honor to be, with great respect,
Your obedient servant,
A. PELLETIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Pelletier to Mr. Seward.

109 EAST 27TH STREET, NEW YORK,
January 21, 1865.

SIR: I have the honor to transmit herewith, to be filed among the papers in my claim against Hayti:

Q.—Depositions of persons at Grand Caymans, dated November 15, 1861.

R.—Protest of master, officers, and seamen of bark William, of New Orleans, dated December 20, 1860.

S.—Opinion, original and translation, of Linstant Pradine, a distinguished counsellor of Port-au-Prince, dated August 7, 1868.

I have the honor to be, very respectfully,
Your obedient servant,
ANTONIO PELLETIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

STATE OF NEW YORK, *City and County of New York, ss:*

Célistin Pitholat, a priest of the Catholic church, a native of Savoy, being duly sworn, says that for several years up to the beginning of the present year, 1865, he has been resident, in the exercise of his professional office as pastor, at Cape Haytien, in the republic of Hayti; that in the year 1861 or 1862 he knew, as matter of public notoriety, of the arrest and detention of Captain Antonio Pelletier, on a charge of slave-trading, and that he was subjected to great hardships and sufferings; that in the summer of 1862 the said Pelletier was brought from Port-au-Prince to Cape Haytien in a state of extreme distress and suffering from want of food and clothing, being at the same time sick and sighing for sympathy and charity; that he received the charitable aid of Father Pascal, the vicar-general, and Monsieur DuCosquer, the archbishop; and, by direction of Father Pascal, his ecclesiastical superior, this deponent, as pastor of Cape Haytien, many times visited the said Captain Pelletier in the dungeon in which he was confined, and contributed to his relief in the supply of necessary food; that he heard from most respectable persons that during the period of said Pelletier's confinement his silver plate and

valuable furniture was taken from his vessel and publicly sold and appropriated by Haytiens.

135 And this deponent further says that while said Pelletier was so confined in the dungeon at Cape Haytien, the President of Hayti, Geffrard, came to that place, and this deponent, at said Pelletier's request, applied to him to grant said Pelletier an interview in order that he might urge his plea for justice or mercy; but President Geffrard refused to see him, saying that Pelletier was a man dangerous to Hayti, and if set at liberty would array three or four nations against the republic, and that he must sacrifice him to the interests of the state, and he, Geffrard, would be the worst enemy of his own country if he should consent to his, said Pelletier's, release.

And this deponent further says that during said Pelletier's confinement in said dungeon his privations and sufferings were such that he, this deponent, thinks that if he had not received assistance from charitable persons his life would have been in danger.

CÉLESTIN PITHOLAT.

Subscribed and sworn to before me, March 10, 1865.

E. STEVENSON,
Notary Public, New York City.

Mr. Pelletier to Mr. Seward.

No. 237 Fifth Avenue, New York,
August 22, 1865.

Sir: Enclosed herewith I send you two affidavits, marked AA and BB, which please cause to be filed with the papers in reference to my claim against the government of Hayti. Please acknowledge their receipt and oblige,

Respectfully, your obedient servant,

ANTONIO PELLETIER.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

STATE OF NEW YORK, *City and County of New York, ss:*

Domingo T. Castro, of the city, county, and State of New York, being duly sworn, says: That he is well acquainted with Antonio Pelletier, formerly owner of the bark William, and has known him for upwards of fifteen years, having had many business transactions with him, and been familiar with his means and property during most of that time. That in the year 1859 the said Pelletier was the owner of several patents for the manufacture of shoes by machinery, and had a large amount of such machinery at the city of Troy, New York. That he was also engaged at the city of Chicago, Illinois, in a distillery and rectifying business, and while he was there deponent wrote to him proposing to introduce the manufacture of shoes into the island of Cuba, and offering to undertake the formation of a company in Havana for that purpose. That an arrangement was made, and in the year 1860 Pelletier and deponent went to Havana and perfected the scheme, by virtue of which said Pelletier was to send out a large amount of machinery, and contribute $20,000 in money to the capital of the company. That in 1861 the said machinery, to the amount of $30,000 in value, was sent to Havana, and the said contribution to the capital of the company of $20,000 was made, a part of said sum having been raised for Pelletier by deponent, upon the pledge of certain contracts for the purchase of lands in the State of Iowa, held by Captain Pelletier, on
136 which he had paid upwards of $20,000, and was thereafter to pay a further large amount to complete the purchase and secure a perfect title. That when the notice of the execution of Captain Pelletier in Hayti, which was copied into the Cuban papers from the New York Herald, was published in Havana, the affairs of the company, which before that had needed the personal attention of Captain Pelletier, fell at once into disorder, and all the property and investment which he had provided and made was lost.

And deponent further says that the said Pelletier at the same time was the owner of the exclusive privilege of intro-

ducing and selling railroad chairs, which was granted to him by the government of Cuba, and was a monopoly of great value, for which he was offered $75,000 in cash, but which he refused to sell, and remained the owner of and continued to supply the demand himself until his imprisonment by the Haytiens deprived him of the power to attend to his business, and caused the forfeiture of the grant.

And deponent further says that in consequence of said imprisonment of Captain Pelletier and his reported execution, his contracts for the purchase of the aforesaid lands in Iowa were forfeited, and the money he has paid was lost, as well as the prospective value he would have received from the advance in value of the lands, and he, deponent, has also understood that property in Chicago which was held by Captain Pelletier under a contract of purchase, was also lost for the same reason, and that in addition a large amount of personal property was sacrificed.

And deponent can safely say that the damage to Captain Pelletier from the failure of the shoe company was at least $50,000, and from the forfeiture of the grant for railroad chairs was not less than $75,000. The loss to him by the forfeiture of his contracts for lands in Iowa was much more than $20,000.

And he has been informed that the losses of property, real and personal, in Chicago, which the captain suffered in consequence of his protracted imprisonment in Hayti and reported death by execution, were more than $100,000 in amount. And further saith not.

D. T. CASTRO.

Subscribed and sworn before me August 22, 1865.

[SEAL.] S. HOSFORD,
Notary Public.

STATE OF NEW YORK, *City and County of New York*, *ss:*

George Gray, of the city of Brooklyn, county of Kings, and State aforesaid, being duly sworn, says that in the years 1855,

1856, and 1857, he resided in the city of Chicago, Illinois, and has been there frequently since, or until 1862. That he was acquainted with Captain Antonio Pelletier, who was carrying on a large distillery and rectifying business and also an importing liquor business, having a large store at the corner of Lasalle and Illinois streets. That the store property of Pelletier was very valuable; that he did a large business and had a large stock of goods in his store at all times. That deponent was in the habit of making large transactions with him for the firm with whom deponent was employed, and in the course of deponent's employment it became necessary for him to ascertain and become acquainted with Pelletier's condition, and deponent found he had real property to the amount of not less than $100,000. That in October, 1861, the notice hereto affixed was published in the New York Herald, and thereupon the creditors of Pelletier seized his property by legal process and it was sold at auction by the sheriff. That deponent attended the sale; that there was in distilling apparatus, fixtures, and merchandise not less than $50,000 worth at a fair valuation, all of which was sacrificed and went for a mere fraction of their actual worth.

137 And deponent further says that the damage to Captain Pelletier, from his imprisonment and reported execution, by the sacrifice and loss of his property in Chicago, must have been at least $150,000. And further saith not.

GEORGE GRAY.

Subscribed and sworn to before me, August 22, 1865.

[SEAL.] E. STEPHENSON,
Notary Public, New York City.

[From the New York Herald, October 2, 1861.]

NEWS FROM HAYTI AND ST. DOMINGO.

Intelligence from Hayti to the 7th ultimo has been received.

The slaver, Captain Pelletier, has been tried, condemned, and executed. Three companions have been sentenced, each to five years' imprisonment.

The Haytien journal La Progres has been suspended and superseded by another. President Geoffrard had made a tour through the republic, and was everywhere received with enthusiasm.

Commercial affairs were active, with a large number of American, English, and French vessels in port.

From St. Domingo we learn that the Spanish officers there had protested against the summary manner in which General Santana had executed General Sanchez and seventeen others as being disgraceful to the Spanish arms, but they were told in reply that Santana had full powers from the Queen, and there was no power to interfere.

OFFICE OF THE LEWELLYN PETROLEUM COMPANY,
No. 138 SOUTH THIRD STREET, *second story, front room*,
PHILADELPHIA, *February* 15, 1857.

DEAR SIR: I have the honor to inform you that in the matter of the claim of Captain Antonio Pelletier, filed in your office, and by the government of the United States being prosecuted against the government of Hayti, for and on account of the seizure and withholding of the bark William, and for damages and losses therefrom arising, the said Antonio Pelletier, by an instrument in writing, dated April 6, 1866, duly sold, assigned and transferred all his right, title and interest in and to said claim to me, (C. T. Benedict,) in trust to secure the payment of certain moneys to Henry Lewis, Jacob Rigel, and others, and that, therefore, I shall require payment to me of all moneys received or collected thereon from said government of Hayti.

Will you please inform me what is the present condition of negotiations with said government of Hayti relative to this

claim, and whether there is prospect that it will soon be adjusted and liquidated.

I am, sir, very respectfully, your obedient servant,

C. T. BENEDICT.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Eleventh. The counsel for the claimant then offered in evidence Executive Document, No. 86, 47th Congress, 1st Session, which is as follows:

1	47th Congress, 1st Session.	SENATE.	(Ex. Doc. No. 86.

Message from the President of the United States, transmitting a report of the Secretary of State of February 3, 1882, with accompanying papers, in response to Senate resolution of 12th ultimo, calling for certain correspondence in the case of claim of Antonio Pelletier against the Government of Hayti.

February 3, 1882.—Read and referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, of this date, with accompanying papers, furnished in obedience to a resolution of the Senate of the 12th ultimo calling for certain correspondence in the case of claim of Antonio Pelletier against the Government of Hayti.

CHESTER A. ARTHUR.

Executive Mansion,
Washington, *February* 3, 1882.

Department of State,
Washington, *February* 3, 1882.

The Secretary of State, to whom was referred the resolu-

tion of the Senate of January 12, 1882, calling upon the President to communicate to that body, "so far as may be compatible with the public interests, a copy of the instructions to the minister of the United States in Hayti, of his notes to that government, and of his despatches to the Department of State, not heretofore communicated, respecting the claim of Antonio Pelletier, a citizen of the United States, against the Government of Hayti," has the honor, in response thereto, to lay before the President the accompanying papers, embracing all the correspondence between the Government of the United States and the Government of Hayti since the publication of the correspondence submitted by Mr. Secretary Seward on the 3d of April, 1868, which was printed as Executive Document No. 260 of the House of Representatives, Fortieth Congress, second session.

Since that time the claim of Antonio Pelletier has been before Congress at different times in the form of memorials submitted by claimant, upon which action was had in committees. Reference may conveniently be made to Miscellaneous Document No. 57, of the House of Representatives, Forty-second Congress, third session; to the Senate Report No. 425, of June 9, 1874, Forty-third Congress, first session; and to the House Report No. 51 of January 11, 1878, Forty-fifth Congress, second session. Between 1868 and 1878 no correspondence on the subject of this claim took place between the two governments. The action of the House of Representatives, on the 11th of January, 1878, in adopting a resolution offered by Mr. Benjamin Wilson, "that the memorial of Antonio Pelletier, asking indemnity from the Republic of Hayti, together with the accompanying documents, be transmitted to the President of the United States, without recommendation," left the matter free for renewed Executive consideration of the claim, as presented to the Secretary of State on the 22d of January, 1878, by the claimant in a letter which

is herewith transmitted as affording a convient starting-point for the present installment of correspondence.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

The PRESIDENT.

LIST OF ACCOMPANYING PAPERS.

1. Mr. Pelletier to Mr. Evarts, January 22, 1878, with accompaniment.
2. Mr. Evarts to Mr. Langston, No. 23, April 12, 1878, with accompaniment. (See Ex. Doc. No. 260, H. R. Fortieth Congress, second session.)
3. Mr. Langston to Mr. Evarts, No. 64, June 24, 1878.
4. Mr. Evarts to Mr. Langston, No. 50, December 23, 1878.
5. Mr. Langston to Mr. Evarts, No. 130, February 28, 1879.
6. Mr. Evarts to Mr. Langston, No. 61, March 24, 1879.
7. Mr. Langston to Mr. Evarts, No. 155, May 1, 1879, with accompaniment.
8. Same to the same, No. 313, December 26, 1879, with two accompaniments.
9. Mr. Evarts to Mr. Langston, No. 102, March 24, 1880.
10. Mr. Langston to Mr. Evarts, No. 251, April 20, 1880, with three accompaniments.
11. Mr. Evarts to Mr. Langston, No. 112, June 14, 1880.
12. Mr. Langston to Mr. Evarts, No. 295, July 24, 1880, with accompaniment.
13. Same to the same, No. 304, August 9, 1880, with accompaniment.
14. Mr. Hay to Mr. Langston, No. 127, August 17, 1880.
15. Mr. Evarts to Mr. Langston, No. 135, Nov. 3, 1880, with two accompaniments.
16. Mr. Langston to Mr. Evarts, No. 323, December, 17, 1880.
17. Same to the same, No. 339, January 29, 1881, with accompaniment.

18. Mr. Evarts to Mr. Langston, No. 145, February 16, 1881.

19. Mr. Langston to Mr. Evarts, No. 350, February 25, 1881, with three accompaniments.

20. Same to the same, No. 356, March 3, 1881.

21. Mr. Langston to Mr. Blaine, No. 360, March 26, 1881, with accompaniment.

No. 1.

Mr. Pelletier to Mr. Evarts.

WASHINGTON, D. C., *January* 22, 1878.

Hon. WM. M. EVARTS,

Secretary of Department of State:

SIR: I beg leave to call your attention to the action of the House of Representatives on the 11th instant, on the report of the Committee on Foreign Affairs returning joint resolution No. 26, of present Congress, back to the House, with a substitute referring my claim against the republic of Hayti to the President for action, on the ground that under the Constitution the Executive is fully authorized to make the request contemplated by the resolution.

In connection with this action of the House, I dsire e to refer you to the fact that heretofore I have filed in your Department the evidence and arguments, both for and against my claim contained in Executive Document No. 260, of Fortieth Congress, second session; also Miscellaneous Document No. 57, Forty-second Congress, third session.

I desire to further call your attention to the able report of the Committee on Foreign Affairs presented by Hon. B. Wilson to the House on the passage of the substitute above mentioned, herewith filed. I ask your careful consideration of the printed argument of Judge T. J. Cason, in which he reviews the whole case and shows conclusively there should be prompt action by the government, which is herewith presented, and in connection therewith a printed index of the important points mentioned in Documents No. 57 and 260, above mentioned. I also desire to refer you to a letter of

Hon. Wm. H. Seward, while Secretary of State, to me, asking that I would give him "a review of my case, showing the grounds upon which I claimed that the proceedings were irregular or illegal under the laws of Hayti for want of jurisdiction or other cause."

The letter bears date about August 1, 1864, and has never been printed in connection with this case. There is other evidence on file not printed, among which is the record of the purchase of the bark William, at Key West, under a sale by a United States marshal, the copy of the register of the ship, and the clearance of the vessel from Mobile, &c.

In a short review of my case, I wish to remind you that I became the owner of my vessel under a decree of a United States court directing its marshal to sell the vessel, purchasing her under full sanction of law, my government being a party and grantor in the sale, and embarked on my voyage of anticipated pleasure and profit in a legitimate manner and under the protection of the United States, as shown by the registry and clearance papers. I most respectfully but earnestly call your attention to the outrages committed by the authorities of Hayti upon my person and property and upon such of
4 my crew as chanced to be American citizens, as established by the evidence, and the total lack of valid excuse therefor.

It must be apparent to the mind of every one who carefully reads the evidence in this remarkale case, that the true motives of the Haytien authorities in their barbarous treatment of myself and American crew arose from personal animosity to myself, occasioned by the difficulty between us at Port-au-Prince, the desire to appropriate my property, coupled with a contempt for our government and a hatred expressed not only by their language, as quoted in Mr. Wilson's report to Congress in this case, but in their acts in discriminating in their persecutions of my crew and in many other ways. The animus displayed by the authorities is well illustrated in the disposition made of my vessel. It was first put up at auction and

several thousand dollars bid for it, but, on pretext that the offer was insufficient, the sale was stopped and the vessel withdrawn. Soon afterwards, however, it was put up again for sale, and this time bid in by one Rivers, a partner of and for the use of the President of the republic, for the nominal sum of a few hundred dollars, although she had cost me about the sum of $35,000.

The vessel was afterwards used in the ice trade between Bangor, Me., and the island of Hayti, the President being at the head of a company that had a monopoly of the ice trade for that part of the island belonging to Hayti. The sale of my vessel for the use of the President and his ice company to carry on their monopoly was brought up in the Congress of the republic and severely condemned. I cannot now recollect exact amounts, being in prison at the time of the occurence, but the offer for my vessel in the first place was several thousand dollars, and it was afterwards sold for only a few hundred; the records of the Congress will, however, show the whole matter. I think it was in the session of the winter of 1861 or 1862. I desire to further state a few facts not heretofore presented under oath, which, owing to a multiplicity of points, have been overlooked. The French vice-consul Mennan, at Cape Haytien, who acted so injuriously against me at Port Leberti, presenting his pistol at my head among other insults, was, on the report of his proceedings to his government, censured and removed from his office on account of his conduct towards me, and his successor was one of my best friends from his first arrival at his post and was constant in his efforts to assist to me and furnished me with money.

Mr. Dujarden, secretary of legation, in charge of the French legation, in the absence of the French minister, and who signed a letter with the foreign ministers and consuls (except Mr. Lewis, American consul) to the secretaries of the Haytian Republic refusing to assist me or in any manner to protect me, was censured by his government for his course in the matter, and the Marquis de Forbin Janson, minister plenipotentiary

from France to Hayti, sent said secretary to me on his return from France to say that the government repudiated his course and had instructed the minister to protect me and that he would visit me the next day in prison and determine what course would be best to pursue; but to avoid the minister seeing me I was taken out of the prison at Port-au-Prince at 3 o'clock in the morning and marched over land, nearly naked, sick, and feeble, so I could scarcely walk, often falling down, and was taken to Cape Haytien, but afterwards said minister aided me in person to escape from the hospital, and helped secrete me at the French consulate until different arrangements were made, and also went with me in person when I was put on board of the Spanish steamer, giving me money to assist me in my escape. He also stated to me that if I had been a French subject I would soon have been released; he made this statement, being familiar with all the facts of my case. Also, Mr. St. John, minister from England to Hayti, was not in the republic when the letter of the Foreign ministers and consuls to the secretaries of Hayti was signed, but on his return to Hayti was my friend, assisted me in many ways, giving me money, aiding me in my escape, and in fact as soon as my case was understood I was assisted and befriended, and assisted by all the foreign ministers and consuls *except the one* person, and that was G. Eustice Hubbard, commercial agent of the United States.

As to the question of kidnapping persons and selling them into slavery, if we leave out the question of the absurdity of such a charge, the distressed condition of my vessel, the fact of having no provisions or other necessary articles on board for such a purpose, the fact of having on board over $50,000 in gold dust and coin, of which I must run the risk of confiscation, yet if I had intended any such act I had taken on board at Grand Inaqua for the purpose of breaking ballast from ten to fifteen persons of color, and I was driven to sea by the winds, beating about for ten days endeavoring to get back, being at one time close to the shore of the island of Cuba.

cause, old age has grown upon me, wherefore I most earnestly represent that it is not only due to me personally that such redress should be demanded, but for the honor of our government and for the protection of other American citizens.

ANTONIO PELLETIER,
1108 *Sixth Street, N. W.*

6 CITY OF WASHINGTON,
District of Columbia, ss:

Personally appeared before me, Wm. H. Chase, a justice of the peace within and for said city and District, Antonio Pelletier, well known to me to be the identical person whose signature is attached to the foregoing letter, and, being duly sworn, says that the matters and things stated in the foregoing letter to be of his own knowledge are true in substance and in fact, and those things stated on the knowledge of others he has reason to believe and does believe to be true.

In witness whereof I have hereunto set my hand and judicial seal this twenty-second day of January, A. D. 1878.

WM. H. CHASE,
Justice of the Peace.

[Extract from Congressional Record, January 12, 1878.]

ANTONIO PELLETIER.

Mr. WILSON, from the Committee on Foreign Affairs, reported adversely joint resolution (H. R. No. 26) to authorize the President of the United States to request the republic of Hayti to indemnify Antonio Pelletier, which was laid upon the table, and the accompanying report ordered to be printed.

He also, from the same committee, reported the following:

Resolved, That the memorial of Antonio Pelletier, asking indemnity from the Republic of Hayti, together with the accompanying documents, be transmitted to the President of the United States, without recommendation.

Mr. CLYMER. Is that a unanimous report of the committee?

Mr. WILSON. It is.

The SPEAKER. The Chair would suggest that this perhaps had better be a joint resolution.

Mr. WILSON. If in the opinion of the Chair it should be a joint resolution, I would ask that it be so amended. I had supposed that a simple House resolution was sufficient.

Mr. GARFIELD. I desire to reserve all points of order until some explanation can be made.

Mr. WILSON. The joint resolution which was referred to the Committee on Foreign Affairs was predicated upon a memorial of Antonio Pelletier, who alleged that his property was spoliated and he was arrested and imprisoned while in Hayti, and he asked Congress to recommend to the President to demand indemnity of the Republic of Hayti. The committee have directed me to report back adversely the joint resolution upon the ground that the House has not jurisdiction of the question, and also to report a simple House resolution referring the papers to the President, without recommendation.

The SPEAKER. Although the Chair suggested that this should be a joint resolution, the Chair is of opinion that the House has the power to pass a simple House resolution upon this subject.

The resolution was then adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

No. 2.

Mr. Evarts to Mr. Langston.

No. 23.] DEPARTMENT OF STATE,
Washington, April 12, 1878.

SIR: I transmit herewith a copy of Executive Document*

*Inclosure. See document mentioned.

No. 206, House of Representatives, Fortieth Congress, second session, which, together with documents and papers al-
7 ready on file in your consulate-general, will put you in possession of the necessary information in relation to the imprisonment of Antonio Pelletier, a citizen of the United States, by the authorities of Hayti, for a period of nearly three years, and the confiscation and appropriation, by the same authorities, of his vessel, the American bark "William," with a large amount of valuable property, consisting of gold-dust, gold and silver bullion, coin, diamonds, maps, charts, compasses, chronometers, and articles incident to the navigation of vessels. These occurrences transpired during the years 1861, 1862, and 1863, Captain Pelletier having been arrested and imprisoned in February, 1861, and kept in close confinement until November, 1863, when he succeeded in making his escape by scaling the walls of the prison hospital, and through the assistance of the British consul, the French consul, the Spanish consul, Mr. Whidden, the United States commercial agent at Port-au-Prince, Father Pascal, a worthy Haytien clergyman, Mr. Listant, and other kind and humane friends, made his way to Kingston, Jamaica, from where he was enabled finally to reach the United States.

The circumstances attending Mr. Pelletier's arrest, imprisonment, trial, and condemnation to death were reported to the Department in 1861 by Mr. Hubbard, then United States commercial agent at Cape Haytien, and attributable, as it is now believed, to partial and incorrect information on the subject, were represented by Mr. Hubbard in a light unfavorable to the interests of Pelletier. Subsequently, in 1862, and while Pelletier was undergoing the barbarous treatment of which he complains, Mr. Whidden, commercial agent at Port-au-Prince, upon a full examination of the facts and circumstances, many of which transpired under his own immediate observation, reported to the Department, justly rebrobating the conduct of the authorities toward Pelletier, and commending the case earnestly to the interposition of this government.

the criminal court of this city, in which Captain Pelletier was tried, including the records of his own case, and covering all the records of that court from 1860 down to 1874, have been destroyed by fire. And I have been advised and believe that the records of the court of cassation for the period covering this case and all proceedings had therein down to 1860 have also been destroyed by fire. I have already stated, however, that I have found the record of the proceedings in this case, including the judgments of the courts, in an authoritative form in the reports and official journal.

It is to be regretted that we have no record of the case in this legation. I have concluded that it might be wise to transmit, herewith inclosed, two despatches, one from the Department, marked "A," and the other marked "B," the copy in translation of a despatch from the Haytien Government.

Linstant Pradine, whose name I have already given, is without doubt the first lawyer of this republic. A man of age, extended and varied experience in professional and official life, he is a lawyer of large and comprehensive reading and thought, and, withal, a candid and conscientious man. He was Captain Pelletier's attorney; he is his personal friend; and, perhaps, it was more due to his advice and efforts Pelletier escaped from the cruel imprisonment which had been adjudged his punishment in part than any one else. But after many years have passed, and the ardor of the advocate has abated, the warm sympathy of the friend no longer dimming his vision nor animating his conviction, and the facts and the law, as well as the considerations of justice which pertain to the case, can be considered by him, in the light of a good understanding, without predilection and without bias superinduced by relationship of friend or client, he declares to me that he has no change or modification of opinion to offer with regard either to the law or facts in the case; that he holds now, as heretofore, that under the law as it existed in 1861 the courts of this country could not try Pelletier; that all the proceedings had in the case are illegal; his imprisonment un-

in the upper court, partly in favor of and partly against Captian Pelletier.

I find then, as material circumstances connected with this case, the following facts and considerations:

1. This case has been considered by the Department, and in fact, disposed of against Pelletier, thus maintaining the action of the Haytien courts and government.

2. It was disposed of, too, by the Department, mainly in view of testimony furnished by our own agents.

3. Its disposition has long ago come to the knowledge of the Haytien Government; and that government certainly understands well the facts upon which its disposition was based.

4. Now, if the case is to be re-examined, is it not true that the burden rests upon our shoulders to explain and refute the evidence and the law upon which the Department based its decision? Can this be done? The main facts still stand, and it cannot be denied, that the circumstances do show a condition of things militating in no unimportant sense against Captain Pelletier. I mean only that they throw serious suspicion upon him.

5. But it is conceded that he did not commit assassination upon the sea. Is it proved that he did commit robbery? If not, has the law of the state whose tribunals took cognizance of the case been properly construed and enforced? If it has, had the state right to make such law, and attempt its enforcement in such cases, under the circumstances? I understand that the Hon. William H. Seward, in the dispatches already adverted to, responds affirmatively to both these inquiries.

6. But in view of the definition of piracy, as given by such excellent authorities as Kent and Wheaton, as defined by the law of nations, may not all the facts as alleged in this case be admitted, and it be claimed still that Captain Pelletier has not been shown to be guilty of piracy, according to such definition? and that his imprisonment and the confiscation of his property are entirely illegal and unjustifiable; and, therefore that his claim for damages, for reimbursement for property il

legally appropriated, is just and well founded? I apprehend that this proposition will not be controverted, that the law enacted by any nation or state, with reference to piracy and its punishment, to be sustained, must accord with and be embodied in the definition of piracy, as given in the law of nations; and to sustain the charge of piracy, proof must be made of those facts and circumstances which are essential to its existence; proof must be made, in the language of the law, of "robbery or forcible depredations on the high seas, without lawful authority, done *animo furandi*, in the spirit and intention of universal hostility."

Upon a full investigation as I have been able to give this case, I have concluded that it would prove, under the circumstances, difficult of management and of uncertain result, especially in view of the position already taken by the Department with regard to it.

All that I have indicated as to law and fact favorable to Captain Pelletier may be true; but how shall the statement of Mr. Hubbard be overcome? How shall the decision of the Department, as presented in the dispatches of Mr. Seward, be set aside?

My investigations confirm the statements, if they do not add new facts to those found in Executive Document No. 260, so far as such statements regard judicial action and the records of the courts, in that respect—the imprisonment of Captain Pelletier, and the confiscation of his property.

With sentiments of very high regard, I am your obedient servant,

JOHN MERCER LANGSTON.

---

13 A.

Mr. Seward to Mr. Whidden.

No. 136.] DEPARTMENT OF STATE,
WASHINGTON, *November* 30, 1863.

SIR: Your dispatch No. 46 has been received, and has been

State of the United States. The government is convinced that the matter will be, as far as the American government is concerned, an object of justice and equity.

Please accept, Mr. Commissioner, the assurance of my high consideration.

The Secretary of State for instruction, charged ad interim, with the portfolio of Foreign Affairs:

DAMIER.

Mr. B. F. Whidden,
Commissioner of the United States, Port-au-Prince.

No. 4.

Mr. Evarts to Mr. Langston.

No. 50.] Department of State,
Washington, *December* 23, 1878.

Sir: Your dispatch No. 64 of June last, relative to the complaint of Antonio Pelletier against the government of Hayti, was duly received. It is in reply to the instruction of this department of the 12th of April, in which the opinion was expressed that that complaint was well founded, for the reasons assigned. You were, however, directed to furnish such further information upon the subject as might be within your reach or which might modify and confirm that opinion.

14 Your researches for this purpose do not appear to have been successful. This may, in part at least, be imputed to the destruction by fire of the records of the court at Port-au-Prince, of which you speak. A further examination of the subject, however, in connection with the papers now here, has tended to strengthen the views expressed in the instruction above adverted to, and to lead to the conviction that the result of the proceedings against the claimant was such a flagrant denial of justice as to warrant and require that this government should demand amends in his behalf. The supposed difficulty which you seem to apprehend in managing the case

the crew. They, however, left the vessel without taking the articles with them. Carrie, with his posse, however, having returned to the vessel the same night, the mate, with those of the crew on board, went ashore to inform Pelletier, who at once entered his protest before Mr. Lewis. In the morning the latter addressed a letter to the minister of foreign affairs on the subject, stating that Pelletier had been obliged to abandon the vessel with a large amount of property, money, and bullion on board, and that the Government of Hayti would be held accountable. The minister replied that it was a proceeding of the police about which he knew noth-
16 ing. Soon afterwards Mr. Lewis was invited to call upon the President, which he did, taking Pelletier with him. The President said he also was ignorant of the proceedings. He sent for General La Motte, minister of police, who came, and was reprimanded by the President. The latter then said to Pelletier that he hoped he would take his vessel back, which he at first declined, but at last, upon the advice of Mr. Lewis, he consented to do. La Motte, however, kept possession of the vessel for four days longer, when he was peremptorily ordered by the President to give her up. A sworn estimate of the damages on the vessel, while in the occupation of the police, was then made, which amounted to $6,000, but President Geffrard offered only $2,000, which Pelletier refused to accept. La Motte then obtained, as Pelletier says, by bribery of the sailors in prison, affidavits from them against the vessel. Similar bribes were offered to others of the crew, as is shown by affidavits on file. The Haytians represented that Pelletier had a hundred water-casks on board, but he says that he had only eight. The minister of foreign affairs addressed a note to Mr. Lewis, accompanied by the depositions of the sailors in prison and by that of Binar, and repeated his charges that Pelletier was a slaver, that his papers were not regular, and that he had handcuffs and water-casks on board for a slaver. Mr. Lewis replied denying the charges

for reasons assigned. Pelletier then brought suit against Binar for libel, but he escaped by flight.

The William cleared for New Orleans the latter part of February, 1861. On getting to sea Pelletier found that she did not steer well for want of ballast. He consequently put into Grand Inagua to procure this. The United States consular agent there advised him to go to Man-of-War Bay for it. While taking it in there a gale arose which obliged him to slip his chains and go to sea, leaving his two best anchors. Having returned to Grand Inagua to restore to their homes laborers whom he had been obliged to take to sea when driven off, the pilot anchored the vessel too near the reef. In trying to get room to run out, the vessel grounded on the reef, and remained there pounding for eighteen hours, when at last she was cleared at a high tide. The false keel was, however, lost, and the fastenings of the rudder were broken. Pelletier then tried to reach a port on the Spanish part of St. Domingo, where he might make necessary repairs. When he arrived off the northern coast of that island he supposed he was near Puerta Plata. He then raised a small French flag as a signal for a pilot, but none having appeared, he entered a port where he was alarmed to find the Haytian flag was flying. He consequently determined to feign that his vessel was a French vessel named the Guillaume. After anchoring a boat came off with the captain of the port, who said that they were at Fort Liberty, Hayti. Pelletier reported his vessel as the French bark Guillaume bound from Havana to Havre, in distress, and added that he wished for a blacksmith to restore the fastenings of his rudder. He then had a note written to General Gourgue, commanding the place, stating that he was aware the place was not open to commerce, and asking leave to employ a blacksmith and to fill four casks with water, which was granted. The next day General Gourgue visited the vessel and said to Pelletier that if he wished to visit the French consul at Cape Haytien he might have a seat in his carriage with his son, who was going thither that evening. Pelletier

declined the offer, owing to the disabled condition of his vessel. Georgue then said that he might at least write to the consul. Pelletier then directed his clerk to write to the consul, stating that he would sail the next day, and call on him personally. The clerk did as ordered. In the night of the
17 third day after the arrival of the William at Fort Liberty, Mirada, a sailor whom Pelletier had shipped at Port-au-Prince, and whom he had flogged at Grand Inagua for misconduct, stole one of the boats and escaped to the shore. There he made a deposition against Pelletier for falsifying his nationality. An attempt was then made to get to sea with the vessel. This, however, was defeated by her grounding on a reef after she had proceeded a short distance. In this position she was seized by the authorities and taken back. He then met Mr. Menau, the French consul at Cape Haytien, who was indignant at his assuming French nationality, and who having turned him over to the Haytien authorities, he was at once lodged in jail. He then applied for protection to Mr. G. E. Hubbard, the commercial agent of the United States at Cape Haytien, who refused it, assuming Pelletier to be criminal, and even charging him with piracy.

The authorities next examined Pelletier and his crew. On the conclusion of his examination he wrote a protest against the seizure of his vessel and against the treatment to which he and his crew had been subjected. In the course of several weeks they were taken to Cape Haytien and imprisoned there. After a week's detention they were taken to Port-au-Prince and imprisoned there. They were first tried by a court-martial, of which General Carrie was president. The examination, however, related solely to occurrences at Fort Liberty. Pelletier made a protest against these proceedings also. The examination was resumed about a week afterwards, but Pelletier says that they failed to get any testimony against him from any of his crew.

Next in order the case was referred to a commission of five, composed of judges, senators, and lawyers, of whom Dauphin,

president of the court of cassation, was one. The commission is said to have decided that as Pelletier was charged with being a slaver under a foreign flag, he was not amenable to the laws of Hayti, as he had not committed or attempted to commit any offense there against those laws.

Pelletier was, however, still kept in prison, but in August, 1861, he was taken thence to be examined in regard to the Bates affair. It seems that a person named Caño, a resident of Carthagena, claimed to be the real owner of the property which was intrusted to Cortes, who was his clerk. All the papers relating to Pelletier's transactions with Cortes were seized at Fort Liberty, and were in a package sealed with the seals of General Gourgue and the French vice-consul, Menau. The attorney of Pelletier found the package in the custody of Dubois, the minister of justice, who refused to surrender it. Mr. Lewis, the United States commercial agent, wrote to the minister for foreign affairs that the package contained papers of vital importance to Pelletier, and demanded that the package should not pass from the hands of the minister of justice or be opened unless in Pelletier's presence or in that of some authorized agent of his. The minister answered that the request would be complied with. It was ascertained next day, however, that the package had been opened, as some of the papers had been seen in the hands of Caño, the accuser of Pelletier. Pelletier was informed that the papers had been sent to the government attorney, who wanted them to make out his case. The trial began the next day. The jury was drawn, but Pelletier, by the advice of his counsel, waived his right to choose six of them, as the jurisdiction of the court was denied. The judge held that the plea to the jurisdiction was a good one. Appeal was taken to the court above, which decided in favor of the jurisdiction. Pelletier was ordered to be tried again, and the judges who had decided to release him were sent to jail. Three witnesses, whom Pelletier had named as necessary for his defense—the pilot whom he had taken at Carthagena, Labos, one of the five sailors

whom he had caused to be imprisoned, and a boy whom he had left at Port-au-Prince—were seized without any charge and imprisoned, so that Pelletier might not have their testimony on the trial. Pelletier then stated that he should not attempt a defense, and ordered his counsel to withdraw. The judge said that if he did not wish to be defended he must suffer the consequences. Mr. Laveaux, one of Pelletier's counsel, was sent to prison for referring to the extraordinary means which had been employed to obtain a conviction and to the abstraction of papers. Miranda was produced as a witness for the government, and Mr. Linstant, another of Pelletier's counsel, having sought to show his incompetency from his having been a convict and a galley slave at Toulon, in France, was forbidden by the judge to make any such inquiry, and was threatened with imprisonment if he did so. Thereupon Linstant withdrew. The jury then brought in a verdict convicting Pelletier of piracy, and he was sentenced to death. He was also ordered to pay a fine of $1,000 to Caño and $3,000 to Cortes, and the bark William and all the property on board of her were confiscated for the benefit of the government. The judgment was appealed from, and the court above decided that the sentence of death should be changed to five years' imprisonment. Some time afterwards Pelletier was transferred to a prison at Cape Haytien. There he remained for a period, until becoming sick he was carried to a hospital, where he staid until he effected his escape, on the 11th of November, 1863.

While it is natural that a community of African extractino, whose near ancestors were slaves, should have an antipathy to slavery, that feeling should not be so indulged as to lead to the persecution of a foreigner upon a baseless charge of being a slaver and a pirate. It is manifest that the authorities at Port-au-Prince, in listening and giving credence to the statements of the sailors whom Pelletier had caused to be imprisoned, and of Binar, whose application he had rejected, did not take into due considerations the relations between those witnesses

of his vessel. Their proceedings in regard to him were thenceforward characterized by a savage brutality, as if intent upon revenge for an imaginary offence, rather than by that spirit of justice and impartiality which is expected from the authorities of a foreign country towards a stranger accidentally in their limits. It is apparent that Pelletier is a man of spirit as well as intelligence, and that he was actuated by so intense a consciousness of innocence of the charges against him that he was led to commit the technical mistake of refusing to avail himself of the privilege of choosing six members of the jury, or, indeed, of defending himself at all, though this course seems to have been pursuant to the advice of his counsel. In an ordinary case this would be decisive against making the question an international one. This, however, is by no means a case of that character, and the executive or judicial authorities of any government, which should pursue the course in regard to a foreigner taken by those of Hayti in regard to Captain Pelletier, must expect to do this at the peril of a demand for reparation.

The charge of piracy against Pelletier may be said to have been so absurd on its face that it is unaccountable how it could have been made or entertained. In your dispatch No. 64, you correctly define that offense as being, under the public law, robbery on the high seas. Sometimes, however, by special municipal law or by treaties, other offenses, the slave-trade for instance, are declared to be piracy, and punishment is provided for those convicted. Pelletier was charged with robbing Caño of his goods on the high seas. Of Caño's ownership of the merchandise placed on board the William at Carthagena, Pelletier was ignorant until he was accused at Port-au-Prince by Caño with stealing it. All the papers relating to Pelletier's business with Cortes were seized by the authorities at Fort Liberty, and were in possession of those at Port-au-Prince at the time of Pelletier's trial. These papers would undoubtedly have fully exculpated Pelletier, but those who had them would not allow them to be used in his defense.

It appears from the minutes of the court at Port-au-Prince, as they are printed on page 92 of the Congressional document before referred to, that the jury convicted Pelletier as principal in piracy in fraudulently taking property in open sea and at the Grand Cayman to the injury of Messrs. Caño and Juan Cotis (or Cates) by force of arms, accompanied by violence and with threats of assassination, and with attempts at slave-trading and with piracy on the coasts of Hayti. Perhaps the annals of few courts could furnish an example of a more oppressive and baseless conviction.

Pelletier acknowledges that a part of the original plan of his voyage was to obtain a cargo of guano at Nevassa for New Orleans, and that to this end he had inquired, when he was first at Port-au-Prince, whether laborers for that purpose could there be obtained. The affidavits of the witnesses against Pelletier do not appear to have been communicated to this Department. It is represented, however, that they charge him with the intention to kidnap Haytiens, and as his
20 inquiry as to the practicability of obtaining laborers there probably also in some way became known to the authorities, the latter may have assumed that the wish to hire laborers was used as a screen to kidnap them.

The whole of the proceedings against Pelletier seem to have been characterized by a malignant spirit of cruelty and oppression disgraceful to all concerned in them. It is hoped that the present Haytien authorities will at once dispassionately review those proceedings. If this should be done they certainly will not persist in claiming that they do any credit to the justice and fair dealing of their country. This government has no desire to disturb its friendly relations with that of Hayti. There is a considerable commerce between the two countries which is advantageous to both, and which it is hoped and believed may be much increased. Self respect, however, will not longer allow us to acquiesce in the course which that government thought proper to take in regard to Captain Pelletier. It is hoped that it will show a disposition to

indemnify him for his losses and sufferings. Perhaps the subject may more properly be informally and orally mentioned to the minister for foreign affairs in the first instance. Instructions in regard to your future proceedings will be given when the Department shall have been informed as to the manner in which the overture may have been received.

I am, &c.,

WM. M. EVARTS.

No. 5.

Mr. Langston to Mr. Evarts.

No. 130.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *February* 28, 1879.
(Received March 20.)

SIR: Referring to your dispatch numbered 50, having reference to the reclamation of Antonio Pelletier, I have the honor to state that on the 25th instant, in a protracted interview upon this case, I brought the facts pertaining thereto to the attention of the honorable secretary of state for foreign affairs of the Haytien Government; and I stated that the proceedings against Pelletier were in such flagrant violation of justice as to warrant and require that his government demand amends in his behalf.

The honorable secretary expressed his opinion that it was very strange that such demand had not been made long ago, that some nineteen years had passed since the facts of the case transpired; and yet, upon a word or two of explanation from me with regard to this particular point, he expressed clearly and positively the willingness of his government to review the whole case, and reach, if possible, a good understanding with respect to it. I informed him of my purpose to report the results of our interview to my government, and stated that upon receipt of additional instructions which I hoped to receive from the Department at an early day, I would present

No. 7.

Mr. Langston to Mr. Evarts.

No. 155.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *May* 1, 1879.
(Received May 15.)

SIR: I have the honor to advise you that I have presented, formally, to the Haytian Government, in a dispatch, a copy of which is herewith inclosed, dated April 21 last, the claim of Captain Pelletier; and I beg to assure you that no effort on my part shall be spared to bring this case to a speedy and just settlement. And yet I am compelled, in view of the hesitating, tardy, and unsatisfactory manner of doing business by the authorities of the Haytian Government, to state that there is no telling or divining when this case will be settled. The appeal to facts, to law, to considerations of justice, to duty, to national obligation, or international usage, makes the smallest impression, seemingly, as far as hasting the adjustment and payment of claims and reclamations against the government is concerned.

And in order to the early and proper settlement of this particular claim, we may have to resort to something more potent than such appeal; and yet, it is to be hoped that this may not be the case.

The honorable secretary of state of foreign affairs has not yet made answer to my dispatch on this subject; so soon as he does, I will advise you as to the position which he takes.

Your most humble servant,

JOHN MERCER LANGSTON.

[Inclosure in dispatch 155.]

No. 49.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *April* 21, 1879.

SIR: Referring to the oral and informal statement made by me to you on the 25th of February last, with regard to the

case of Capt. Antonio Pelletier, I have the honor to bring the case now formally and fully to your attention, in obedience to the instructions of my government, to ask its due consideration and adjustment.

he facts of the case are as follows: Antonio Pelletier, a en of the United States of America, in August, 1860, pur- ed the bark William; and after taking her to Mobile, and sferring her to Mr. E. Delanny, of the firm of Delanny, & Co., of New Orleans, of which he was a partner, he ed the vessel with lumber and sailed for Carthagena, Co- bia, where he arrived in November, 1860. By reason of volution which was in progress there when he arrived, he unable to sell more than a small part of his cargo at this e. And after staying at Carthagena about two weeks, he red for Rio Hacha, in the same country, taking as passen- one Binar, a colored man and a political refugee, and Cortes, his wife, child, and servant. Cortes had on board vessel a quantity of merchandise as freight, which he rep- nted as being his own property. In consequence of the alence of strong northeasterly winds, the vessel was car- so far out of its course for Rio Hacha, that Cortes became larmed on account of the delicate condition of his wife's th that he insisted upon the vessel's making for the first ssible port in order that he, his family, and effects might anded.

he vessel consequently put into the island of Grand Cay- , on the 17th of December, 1860. Captain Pelletier went nce with Cortes to Mr. Eden, the United States consular t, and noted his protest. The following morning Cortes his family landed. Captain Pelletier then requested Mr. n, his consignee, to settle with Cortes, and require him to his goods from the vessel.

he account of Pelletier against Cortes was furnished to Eden, but the former having no money, the latter pro- d to him to place the merchandise on board of a schooner is own, pay Pelletier's bills, and take him and his family

in the schooner to Jamaica. Some of Cortes' property, however, having been found to be damaged by seawater, the whole was sold at auction. The bids not being satisfactory to Cortes, Pelletier, at his instance, bought the property for $1,000. Cortes made an affidavit before Eden that he was the sole owner of the goods, and the consular agent gave Pelletier a certificate of the whole transaction under his official seal.

On the 24th of December the William cleared from Grand Cayman for Port-au-Prince, Hayti, where she arrived after the middle of January, 1861. Pelletier, being unwell, took lodgings on shore at a hotel. His consignee sold to the government two kegs of powder, all he had on board, and that part of the cargo which consisted of tobacco. Pelletier also sold to Figaro, a hotel-keeper, eight out of twelve revolvers on board the vessel.

The lumber was sold to the son-in-law of President Geffard. One night when enough of it had been delivered to give access from the hold to the bulkhead which separated the storeroom, unruly members of the crew broke into the latter, stole liquor with which they became intoxicated, and threatened the lives of the mate and the custom-house officer on board. The latter, with Bimar, the passenger, fled from the ship for safety. The mate shut himself up in his state-room. In the morning the mate escaped, went on shore and gave Pelletier information of the disorderly proceedings on board. Pelletier sought Mr. Lewis, the United States commercial agent, who applied to the authorities, and five of the sailors, known to have been active in the stealing and mutiny, were lodged in prison. In the evening Bimar applied to Pelletier for money to pay his passage to the Spanish Main. This Pelletier refused for reasons assigned. The next morning Bimar addressed a letter to Pelletier, stating that as he had ordered him off his vessel, he must provide for his maintenance, and demanded one hundred dollars, which if he refused, he threatened should cost Pelletier a large sum. Pelletier showed the

m to pay no attention to it.

Pelletier afterwards learned that, on the same day, Bimar nounced him to the authorities as a slaver, and as making lse reports as to his cargo, arms, and ammunition, almost of which had been sold to the government itself. In the ening of that day a large force of armed men went on board e barque and broke open boxes and closets. They were der the command of Carrié, the military governor of the ice, and were accompanied by J. J. Lilavois, the captain of e port, and the commander of the police, and a force of out thirty armed men. They found three hunting guns, lf a pound of powder, some cartridges of small shot for bird nting, and eight pairs of hand-cuffs, which had been pro-led to enforce discipline among the crew. They, however, t the vessel without taking the articles with them. Carrié, h his posse, however, having returned to the vessel the same ght, the mate, with those of the crew on board, went ashore l informed Pelletier, who at once entered his protest before . Lewis.

In the morning the latter addressed a letter to the minister foreign affairs on the subject, stating that Pelletier had n obliged to abandon the vessel with a large amount of perty, money, and bullion on board, and that the govern-nt of Hayti would be held responsible for the same.

The minister replied that it was a proceeding of the police about which he knew nothing. Soon afterwards Mr. Lewis was invited to call on the sident, which he did, taking Pelletier with him. The sident said that he was ignorant of the proceedings. sent for General La Motte, minister of police, who ne and was reprimanded by the president. The latter n said to Pelletier that he hoped he would take his sel back, which he at first declined, but at last, upon the ice of Mr. Lewis, consented to do so. La Motte, however, t possession of the vessel for four days longer, when he

was peremptorily ordered by the President to give her up. A sworn estimate of the damages on the vessel while in the occupation of the police was then made which amounted to $6,000, but President Gefpard offered only $2,000, which Pelletier refused to accept. La Motte then obtained, as Pelletier says, by bribery of the sailors in prison, affidavits from them against the vessel. Similar bribes were offered others of the crew. It was represented that Pelletier had on board a hundred water casks, while in fact he had only eight.

The minister for foreign affairs addressed a note to Mr. Lewis, accompanied by the depositions of the sailors in prison, and by that of Bimar, and repeated his charges that Pelletier was a slaver, that his papers were not regular, and that he had handcuffs and water-casks on board for a slaver. Mr. Lewis replied denying the charges for reasons assigned.

Pelletier then brought suit against Bimar for libel, but he escaped by flight.

The William cleared for New Orleans during the latter part of February, 1861. On getting to sea Pelletier found that he did not steer well for want of ballast. He consequently put into Grand Inagua to procure this. The United States consular agent there advised him to go to Man-of War Bay for it. While taking it in there a gale arose, which obliged him to slip his chains and go to sea, leaving his two best anchors.

Having returned to Grand Inagua to restore to their homes laborers whom he had been obliged to take to sea when driven off, the pilot anchored the vessel to near the reef. On trying to get room to run out the vessel grounded on the reef, and remained there pounding for eighteen hours, when at last she was carried off at high tide. The false keel was, however, lost, and the fastenings of the rudder were broken. Pelletier then tried to reach a port on the Spanish part of St. Domingo, where he might make necessary repairs. When he arrived off the northern coast of that island he supposed he was near Puerto Plata. He then raised a small French flag as a signal for a pilot, but none having appeared he entered a port where

he was alarmed to find that the Haytien flag was flying. He consequently determined to feign that his vessel was a French vessel named the Guillaume. After anchoring a boat came off with the captain of the port, who said that they were at Fort Liberty, Hayti. Pelletier reported his vessel as the French barque Guillaume, bound from Havana to Havre, in distress, and added that he wished for a blacksmith to restore the fastenings of his rudder. He then had a note written to General Gourgue, commanding the place, stating that he was aware that the port was not open to commerce, and asking leave to employ a blacksmith and to fill four casks with water, which was granted. The next day General Gourgue visited the vessel, and said to Pelletier that if he wished to visit the French consul at Cape Haytien he might have a seat in his carriage with his son, who was going thither that evening. Pelletier declined the offer, owing to the disabled condition of his vessel. Gourgue then said he might at least write to the Consul. Pelletier then directed his clerk to write to the consul, stating that he would sail the next day, and would call on him personally. The clerk did as ordered. In the night of the third day after the arrival of the William at Fort Liberty Miranda, a sailor whom Pelletier had shipped at Port-au-Prince, and whom he had flogged at Grand Inagua for misconduct, stole one of the boats and escaped to the shore. There he made a deposition against Pelletier for falsifying his nationality. An attempt was then made to get to sea with the vessel. This, however, was defeated by her grounding on a reef after she had proceeded a short distance. In this position she was seized by the authorities and taken back. Captain Pelletier then met Mr. Menan, the French consul, at Cape Haytien, who was indignant at his assuming French nationality, and who, having turned him over to the Haytien authorities, he was at once lodged in prison. He then applied for protection to Mr. G. E. Hubbard, the commercial agent of the United States at Cape Haytien, who refused it, assuming that Pelletier was a criminal. The authorities next examined

Pelletier and his crew. On the conclusion of his examination he wrote a protest against the seizure of his vessel and the treatment to which he and his crew had been subjected. In the course of several weeks they were taken to Cape Haytien and imprisoned there. After a few week's detention they were taken to Port-au-Prince and imprisoned there. They were first tried by a court-martial, of which General Carrié was president. The examination, however, related solely to occurrences at Fort Liberty. Pelletier made a protest against these proceedings also. The examination was resumed about a week afterwards, but no testimony was secured from any one of his crew against Pelletier.

Next in order the case was referred to a commission of five, composed of judges, senators, and lawyers, of whom Dauphin, president of the court of cassation, was one. The commission is said to have decided that, as Pelletier was charged
24 with beging a slaver under a foreign flag, he was not amenable to the laws of Hayti, as he had not committed or attempted to commit any offence, there against those laws.

Pelletier was, however, still kept in prison, but in August, 1861, he was taken thence to be examined in regard to the Cortes affairs. It seems that a person named Caño, resident of Carthagena, claimed to be the real owner of the property which was entrusted to Cortes, who was his clerk. All the papers relating to Pelletier's transactions with Cortes were seized at Fort Liberty, and were in a package sealed with the seals of General Gourgue and the French vice-consul, Menan. The attorney of Pelletier found the package in the custody of Dubois, the minister of justice, who refused to surrender it. Mr. Lewis, the United States commercial agent, wrote to the minister of foreign affairs that the package contained papers of vital importance to Pelletier, and demanded that the package should not pass from the hands of the minister of justice, or be opened, unless in Pelletier's presence, or in that of some authorized representative of his. The minister answered that

equest would be complied with. It was ascertained next however, that the package had been opened, as some of papers had been seen in the hands of Caño, the accuser of etier. Pelletier was informed that the papers had been to the government attorney, who wanted them to make his case. The third trial began the next day. The jury drawn, but Pelletier, by advice of his counsel, waived his t to choose six of them, as the jurisdiction of the court was ed. The judge held that the plea to the jurisdiction was od one. Appeal was taken to the court above, which de- d in favor of the jurisdiction. Pelletier was ordered to be l again, and the judges who had decided to release him were to jail.

hree witnesses whom Pelletier had named as necessary his defense—the pilot whom he had employed at Cartha- ; Lobos, one of the five sailors whom he had caused to be risoned; and a boy whom he had left at Port-au-Prince— seized without any charge and imprisoned, so that Pelle- might not have their testimony on the trial. Pelletier stated that he should not attempt a defence, and urged counsel to withdraw. The judge said that if he did not to be defended he must suffer the consequences. Mr. eau, one of Pelletier's counsel, was sent to prison for re- ng to the extraordinary means which had been employed btain a conviction, and to the abstraction of papers. anda was produced as a witness for the government, and Linstant, another of Pelletier's counsel, having sought to his incompetency from his having been a convict and -slave at Toulon, in France, was forbidden by the judge ake any such inquiry, and was threatened with imprison- t if he did so. Thereupon M. Linstant withdrew. The then brought in a verdict convicting Pelletier of piracy, he was sentenced to death. He was also ordered to pay e of $1,000 to Caño, and $3,000 to Cortes and the bark liam, and all the property on board of her was confiscated e benefit of the government.

The judgment was appealed from, and the court above decided that the sentence of death should be changed to five years' imprisonment. Some time afterwards, Pelletier was transferred to a prison at Cape Haytien. There he remained for a period until becoming sick he was carried to a hospital at Port-au-Prince, I think, where he staid until he affected his escape on the 11th day of November, 1863. The facts presented here show such flagrant denial of justice to Captain Pelletier, as to warrant and require that his government should demand amends in his behalf.

In asking that this case be reviewed by your government with reference to making suitable reparation to Captain Pelletier for the great wrongs and damages, in person and property, which he was made to suffer and sustain, under the circumstances stated, my government would remind you that his voyage from Mobile to Carthagena, thence towards Rio Hacha, to Grand Cayman and Port-au-Prince, and from the last named place to Grand Inagua, were unfortunate, and the results connected therewith cannot propertly be imputed to a want of prudence, but must be ascribed to causes beyond human control. The accidents which befell his vessel at Inagua, causing the loss of her false keel and disabling her rudder, put her in a helpless condition without repairs. And it cannot be believed that after his experience at Port-au-Prince, he would, of his own accord, have gone into a Haytien port for such purpose. He neared Fort Liberty, therefore, supposing that he was entering a port of the Dominican Republic. It was imprudent and to be regretted that he should have hoisted the French flag as a signal for a pilot, and his effort to induce the belief that his vessel was French, cannot be excused. Undoubtedly, however, it was a mere stratagem to relieve himself from the snare into which he had fallen. His vessel was in distress, a condition which ought to have commanded sympathy and secured relief, even from enemies. His distrust, however, led him to decide differently. The elation of the authorities at Fort Liberty when the information in regard to Pelletier had been re-

ed from the deserter Miranda, and in those at Cape Hay- and Port-au-Prince at again having him in their power, not surprising, especially after attempts to deceive them o the nationality of his vessel. Their proceedings in regard to him were thenceforward characterized by a savage brutality, as if intent upon revenge for an imaginary wrong, rather than by that spirit of justice and impartiality ch is expected from the authorities of a foreign country to- d a stranger accidentally in their limits.

Captain Pelletier is a man of spirit and intelligence, and he actuated by so intense a consciousness of innocence of the rges against him, that he was led to commit the technical take of refusing to avail himself of the privilege of choos- six members of the jury, or indeed of defending himself at though this course seems to have been pursuant to the ice of his counsel. In an ordinary case, this would be sive against making the subject an international one. This y no means a case of that character, and the executive or cial authorities of any government which should pursue the rse in regard to a foreigner taken by those of Hayti in re- l to Captain Pelletier must expect to do this at the point demand for reparation.

The charge of piracy against Pelletier may be said to have n so absurd on its face that it is unaccountable how it could e been made, or entertained. He was charged with robbing o of his goods on the high seas. But of Caño's ownership he merchandise placed on board the William, at Cartha- a, Pelletier was ignorant until he was accused at Port-au- nce by Caño with stealing it. All the papers relating to letier's business with Cortes were seized by the authorities Fort Liberty, and were in possession of those at Port-au- nce at the time of Pelletier's trial. These papers would oubtedly have fully exculpated Pelletier, but those who had n would not allow them to be used in his defense. It ears from the printed minutes of the court at Port-au- nce that the jury convicted Pelletier as principal in piracy,

in fraudulently taking property in open sea and at the Grand Cayman, to the injury of Messrs. Caño and Juan Cortes, by force of arms, accompanied with violence and with threats of assassination; and with attempts at slave-trading, and with piracy on the coasts of Hayti. Perhaps the annals of few courts could furnish an example of a more oppressive and baseless conviction. It is represented that the affidavits of the witnesses against Pelletier charge him with the intention to kidnap Haytiens. With regard to this matter, he admits that a part of the original plan of his voyage was to obtain a cargo of guano at Navassa for New Orleans, and to this end he had inquired, when he was first at Port-au-Prince, whether laborers for that purpose could there be obtained; and as his inquiry as to the practicability of obtaining laborers there probably also in some way became known to the authorities, the latter may have assumed that the wish to hire laborers was used as a screen to kidnap them.

But the entire proceedings against Captain Pelletier seem to have been characterized by a malignant spirit of cruelty and oppression, reprehensible in the highest sense. It is hoped that the present authorities of the Haytian Government will at once dispassionately review these proceedings. If this should be done, they certainly will not persist in claiming that they do any credit to the justice and fair dealing of their country. And it is hoped that such authorities will show a ready disposition to indemnify Captain Pelletier in a reasonable and generous manner for his losses and sufferings.

In the judgment of my government, this case is a grave and serious one; and every consideration of justice and fair dealing, as well as the good understanding between the two states interested in its adjustment, make it necessary and proper that it be considered and settled at the earliest practicable period.

I embrace this occasion, Mr. Minister, to present to you my distinguished considerations.

Your most obedient servant,

JOHN MERCER LANGSTON.

No. 8.

Mr. Langston to Mr. Evarts.

[o. 213.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *December* 26, 1879.

SIR: I have the honor to inclose herewith, copy of a dispatch, as per its date, addressed by this legation to the Haytian Government with regard to the reclamation of Mr. Antonio Pelletier, together with a copy of the reply of said government thereto, with translation.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

---

6 [Inclosure No. 1.]

No. 65.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *November* 19, 1879.

Hon. L. T. LAFONTANT,
Acting Secretary of State of Foreign Affairs,
Port-au-Prince, Hayti:

SIR: Heretofore, on the 21st day of April last, I had the honor to address a dispatch to the Haytien Government with regard to the reclamation of Antonio Pelletier, an American citizen. On the 5th day of May following, your predecessor, Hon. L Ethéart, replied to my communication, stating that it had been received, and referred to the secretary of state of justice for certain information, and promising that as soon as such information had been received he would give me the conclusion of his government as regards such reclamation. I have not heard from the government on this subject since I received the dispatch from Mr. Ethéart, and now, fearing that my dispatch of the 21st of April last, in which the claim of Mr. Pelletier is fully set forth, and its prompt settlement demanded, may have been destroyed by the fire occurring in this

No. 9.

Mr. Evarts to Mr. Langston.

o. 102.] DEPARTMENT OF STATE,
WASHINGTON, *March* 24, 1880.

SIR: Captain Pelletier, and those of his friends who are nterested in the success of his claim against Hayti, are natrally impatient at the delay of that government to answer our representations upon the subject. You do not appear to ave mentioned it since your dispatch of the 26th of Decemer last, when the minister of foreign affairs informed you that e awaited information from the minister of justice before he ould decide the case. So much time has elapsed since then at the information referred to must, it is presumed, have een furnsshed. You will, consequently, renew your applicaon to the foreign office.

I am, sir,

WM. M. EVARTS.

No. 10.

Mr. Langston to Mr. Evarts.

o. 251.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *April* 20, 1880.

SIR: Referring to your No. 102, dated March 24, 1880, aving reference to the claim of Captain Pelletier, I have the onor to advise you that, as far as this legation is concerned, ch claim has been constantly pressed upon the attention of e Haytien authorities since its presentation, April 21, 1879. interviews, as well as in correspondence, this has been the se, as the inclosed copies of dispatches passing between me d the honorable secretary of state will show.

And, first, I have the honor to bring to your attention the spatch from the honorable secretary, dated January 29, 1880,

a copy of which, with translations, is herewith inclosed, in which, referring to interviews had with me with regard thereto, he asks delay for the due consideration of the reclamations of Messrs. A. H. Lazare and Pelletier, and the claims of Mrs. Oaksmith, Mr. Horton, and Messrs. Kunhardt & Co.

Secondly, you will be pleased to find herewith inclosed copy of a dispatch from the same source, with translation, dated March 19, 1880, in which the honorable secretary, after referring to an interview had with me on the subject, states that he understood me to propose arbitration as a proper method of reaching a prompt solution of the questions connected with the claims mentioned, which he refused at once as to the claim of A. H. Lazare, esq., for the reason stated; and in his dispatch as to the other claims referred to, but promising to give successively the opinion of his government with regard thereto, as necessary information might be obtained, while, in the meantime, he asks the date of the naturalization, as an American citizen of Captain Pelletier.

In answer to this dispatch, on the 20th day of March, I had the honor to address the honorable secretary, in two dispatches, copies of which are herewith inclosed, in the first of which I correct his misunderstanding as to my proposing to arbitrate all the claims, stating that I did propose, as directed by my government, such method of settlement in the case only of Mr. Lazare, while in my second dispatch I address myself directly to a consideration of the reclamation of Captain Pelletier, urging the fact that it had been referred to the minister of justice by Mr. Ethéart as early as May 5, 1879; that the same person, Mr. Archin, is at present filling the same office; and that the government must be so fully advised as to the facts and law in this case as one might reasonably suppose that it ought not to require any considerable further delay in reaching and making known its opinion as to its settlement. In concluding this dispatch I state, as requested, the date of the naturalization of Captain Pelletier, and urge again the prompt setllement of his claim.

It is in reply to this dispatch that the honorable secretary ressed me on the 6th instant, transmitting a dispatch, a copy which, with translation, is herewith inclosed. In this dis-ch the honorable secretary acknowledges the receipt of my patch, containing the information which he asked as to the uralization of Captain Pelletier; states that I advised that it is the judgment of my government that the recla-tion of Captain Pelletier should be allowed; declares that atever may be the firm intention of this government to ke every effort to maintain the most cordial friendship in the relations of the two governments, the reclamation of Captain Pelletier cannot be allowed; and then pro-ceeds to justify this position by referring to the facts con-ted with the accusation, the trial and condemnation of Cap-Pelletier, alleging that he and the major part of his crew ng American citizens, he did hoist the French flag; that s he made himself, according to international laws, a pirate, that the Haytien Government showed itself indulgent ards him in not applying to him the rigorous laws of all countries of the world which are denounced against ates.

In view of the position taken with regard to this case by the ytien Government, I await the further instructions of the partment.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 2.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
PORT-AU-PRINCE, *January* 29, 1880.

Mr. MINISTER: In consequence of the interviews which I d had the honor to have with you upon the subject of ims of American citizens, which you have submitted to the ytien Government for the most part under the preceding inistration, I have consulted the archives of my depart-

ment, and I have found there the despatches of your legation concerning the following matters, with regard to which you desire to obtain the decision of the present government of the republic.

The affair of Mr. A. H. Lazare; that of Mr. Pelletier; that of Mrs. Fanny Oaksmith; that of Mr. Edward Horton; that of Kunhardt & Co.

Having just obtained the control of this department, I have not as yet had time, Mr. Minister, to study variously these questions, and to ask with regard to the oldest all the information which they require and which is necessary. I hope you will be willing to accord me the delay necessary to be duly informed as to all these questions before communicating to you the opinion and decision of my government upon these claims.

Be pleased to accept, Mr. Minister, the assurance of my very high consideration.

The Secretary of State of Foreign Affairs.

CH. LAFORESTRIE.

[Inclosure No. 4.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
PORT-AU-PRINCE, *March* 19, 1880.

Mr. J. M. LANGSTON,
Minister Resident of the United States of America, Port-au-Prince:

Mr. MINISTER: In the interview which I had the honor to have with you on the 16th instant, with regard to claims which you have presented to the Haytian Government, you proposed to me to submit all these affairs to arbitration in order to reach a prompt solution. I replied, if my government accepted your proposition, which I would submit to its consideration, arbitration could not be had as to the questions which had been referred for direct examination to the Cabinet at Washington, for example, the claim of A. H. Lazare.

In fact our minister plenipotentiary at Washington had

ady taken steps with regard to these affairs with the Cabi-
of the Union. My government ought then to await from
S. Preston the reply which would be made us before under-
ng with you, if there should be need, the discussion of
e questions. It remains then to know if my government
ld accept arbitration of the following matters: That of Mr.
onio Pelletier; that of Mrs. Fanny Oaksmith; that of Ed-
d Horton.

put aside for the moment the matter of Kunhardt & Co.,
ch appears to be very simple, and with regard to which I
have the honor to write you very soon.

ly government does not think, Mr. Minister, that these
e first claims ought to be arbitrated. In fact, to decide to
trate these affairs would have it understood that we had
ady combatted these points, and that we had not been able
gree, but this is not the case.

will make known to you, then, successively, the opinion of
government upon these matters, which require, as I have
ady had the honor to advise you, information which I had
not been able up to this time to obtain completely.

In the mean time I pray you, Mr. Minister, to be
good enough to let me know the date of the natural-
ion, as an American citizen, of Mr. Antonio Pelletier,
ch my government believes to have been French.

e pleased to accept, Mr. Minister, the assurance of my high
sideration.

CH. LAFORESTRIE.

[Inclosure No. 5.]

85.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *March* 20, 1880.

. CHARLES LAFORESTRIE,
Secretary of State of Foreign Affairs,
Port-au-Prince, Hayti:

IR: In acknowledging receipt of your dispatch, dated the
23

Up to this moment I have received no advices from my government with regard to any action taken by Mr. Preston, and instructions other or different from those already suggested. Besides, Mr. Minister, this case of Mr. Lazare has been pending as between my legation and your department, under the administration of Messrs. Carrié, Ethéart, Lafontant, and yourself, to some extent, quite long enough, and it has been, as I have been informed by Mr. Ethéart, the subject of investigation and consideration by Hon. C. Archin, the minister of police heretofore under the administration of President Canal, who holds the same position under the present administration. It would seem, therefore, that your government ought to be able to present its conclusions with regard thereto, and it difficult to conceive how any reasonable, serious objection be offered to the equitable method of adjustment proposed arbitration.

have the honor to be, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 6.]

86.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *March* 20, 1880.

. CHARLES LAFORESTRIE,
Secretary of State of Foreign Affairs,
Port-au-Prince, Hayti:

IR: Referring to the reclamation of Antonio Pelletier, of ch you make mention in your dispatch of yesterday, I have honor to state that as to such reclamation I have already ented to your department a full, concise, and elaborate ement of facts which would seem to be entirely unanswer- . This statement was made and presented on the 21st day April, 1879, addressed to your predecessor, Mr. Ethéart, subsequently I transmitted, in connection with a dispatch essed to your department, November 19, 1879, a full and t copy of such statement, suggesting at the same time in

my dispatch, with regard to this reclamation, that my government desired and expected the prompt settlement
30 thereof. This reclamation has also been made, according to information had of Mr. Ethéart, the subject of consideration by the secretary of state of justice of your government, the same person acting under the former administration, and acting under the present in the same capacity, the Hon. C. Archin.

Mr. Etheart furnishes this information to this legation in a dispatch dated May 5, 1879, and states that as soon as the secretary of state of justice shall furnish him with certain information required, he will advise this legation as to the views of his government on the subject. But as yet the conclusions of your government as to this reclamation have not been received.

I have the honor, Mr. Minister, to state in reply to your inquiry as to the date of the naturalization of Antonio Pelletier, as an American citizen, that the certificate of his naturalization bears date October 6, 1852, at least eight years previous to the occurrence of the facts upon which his reclamation is predicated, and this date of the certificate of his naturalization is susceptible of exact and unquestioned proof, according to the records of the court issuing the same. With regard, then, to the citizenship of Pelletier there can be no question, and now, Mr. Minister, in the judgment of my government, as I have heretofore stated, this case is a grave and a serious one, and every consideration of justice and fair dealing, as well as the good understanding between the two governments interested in its settlement, make it necessary and proper that it be considered and settled at the earliest practicable period; and one would very naturally conclude that the authorities of your government are, by this time, so fully advised with regard to the facts and law of this case, that it cannot need any consideraable time further to reach and make known its conclusion with respect to its settlement.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 8.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
PORT-AU-PRINCE, *April* 6, 1880.

MR. J. M. LANGSTON,
Minister Resident of the United States of America at Port-au-Prince:

MR. MINISTER: I had the honor to receive your letter of the 20th of March last, containing the information which I asked you to furnish me with regard to the date of the naturalization of Mr. Antonio Pelletier as an American citizen.

You advise me at the same time, Mr. Minister, that in the judgment of your government, the administration of Hayti ought to allow the reclamation of Mr. Pelletier, and that, in accordance with justice and equity.

Whatever may be, Mr. Minister, the firm intention of my government to make every effort to maintain the most cordial friendship in the relations of the two governments, the reclamation of Mr. Pelletier cannot be allowed.

Indeed, in the facts which caused the accusation, the trial, and the condemnation of Mr. Pelletier, there is the capital point which follows, and upon which my government places itself to repel, formally, this reclamation.

Although Mr. Pelletier was an American citizen, and the crew of his ship was mainly composed of citizens of the United States, he did nevertheless notoriously hoist the French flag.

According to international law, in covering himself with a foreign flag, he made himself a pirate.

Then, the Government of Hayti showed itself towards him full of indulgence, in not applying to him the rigorous laws which, in all countries of the world, strike down pirates.

My government loves to hope, Mr. Minister, that by reason of this grave consideration, the Government of the United States will abandon this reclamation ill-founded.

Be pleased to accept, Mr. Minister, the renewed assurances of my very high consideration.

CH. LAFORESTRIE.

No. 11.

Mr. Evarts to Mr. Langston.

No. 112.] DEPARTMENT OF STATE,
WASHINGTON, *June* 14, 1880.

SIR: Your dispatches numbered from 141 to 272, both inclusive, have been received.

31 Referring to your No. 251, of the 20th of April last, I have to inform you that it has excited both regret and surprise that the Haytien Government should have rejected the claim of Antoino Pelletier; for it had been hoped that that government would have embraced the opportunity, which the consideration of the claim presented, to show that, as a member of the family of nations, it was disposed and able to do justice in a case of signal, but groundless, oppression of a citizen of the United States.

The decision of that government was surprising, because it was the reverse of that which was expected both from the merits of the case and from the tenor of the previous information in the Department on the subject.

You ask for further instructions; I am unable to furnish any further argumentative presentation of the case, from the fact that, in his note to you of the 6th of April, the minister of foreign affairs gives no other reason for the decision of his government than that Pelletier committed an act of piracy, pursuant to public law, because, when his vessel, in distress, neared the coast of Hayti, she displayed the French flag.

The principles of puplic law give no support to this justification of the acts complained of.

You will therefore distinctly say to the Haytien Government that this government cannot accept this suggestion as an answer to the claim of this citizen of the United States, presented in good faith, and expected to be treated with decorous gravity by the Haytien Government.

You will say to that government, as well, that if it desires

ake no further answer to the justice of this claim of Mr. etier, you are instructed to propose to it a prompt and im- ial arbitration on the matter, and in default of that arrange- t to require its satisfaction.

I am, &c.,

WM. M. EVARTS.

No. 12.

Mr. Langston to Mr. Evarts.

295.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *July* 24, 1880.
(Received Aug. 14.)

R: In acknowledging the receipt of your dispatch No. dated June 24th last, I have the honor to state that the uctions it contains have been carefully noted; and, on the instant I addressed the honorable secretary of state of ign affairs of the Haytien Government a communication ccordance therewith, a copy of which is herewith enclosed transmitted. In this communication I allude to the regret surprise that the rejection of the claim of Captain Pelletier sions to my government; and I claim that the merits of case justify no such decision; that the reason given for amely, that Captain Pelletier committed an act of piracy isplaying a French flag, as his vessel reached the coast of ti, is not well founded; that the Government of the ted States cannot accept it; that this claim of one of its ens, presented in good faith, is to be treated with decorous ity; and, in conclusion, as instructed, I advise the honor- secretary that if the Haytien Government has nothing further to answer as to the justice of this claim, prompt and impartial arbitration thereof is proposed; and in default of such arrangement its satisfaction will be ired.

s yet, I have not received reply to this communication.

I am, &c.,

JOHN MERCER LANGSTON.

No. 13.

Mr. Langston to Mr. Evarts.

304.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *August* 9, 1880.
(Received August 27.)

IR: I have the honor to transmit, herewith enclosed, a dis-
ch, with translation, addressed to this legation on the 6th
ant, in response to one of the 12th of July last, with re-
l to the reclamation of Capt. Antonio Pelletier.

t will be perceived that the honorable acting secretary, Mr.
hin, after offering his protest against what he pleases to
racterize an indirect menace, with which, as he claims, I
e my dispatch, promises to submit the case anew to his
ernment, and, so soon as possible, advise me as to the re-
of its minute and serious consideration.

'he honorable secretary finds menace, if anywhere, in the
ructions of the Department on this subject, which I have
the honor to follow faithfully in my last dispatch to his
ernment, and, so far as this legation is concerned, it is not
eved that there is anything in the language employed which
nywise should be so qualified.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 304.—Translation.]

Mr. Archin to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
PORT-AU-PRINCE, *August* 16, 1880.

Ir. MINISTER: I have had the honor to receive your dispatch
July 12th last, relative to that which, April the 6th pre-
s, you had addressed to the incumbent of this department,
ching the reclamation which you have presented in the
e of your government, with regard to Capt. Antonio Pel-

letier, adjudged and condemned by Haytien justice as convicted of the crime of piracy accomplished in our waters.

In view of the objections contained in your new dispatch relative to the answer which had been made to this reclamation by my predecessor, and without my consideration, Mr. Minister, of the sort of indirect menace with which you close, menace against which I protest in the name of law and justice, I will make it my duty to submit anew the case to my government, which will make thereof, minutely and attentively, a new and serious examination, the results of which shall be brought to your knowledge as soon as possible.

Meanwhile be pleased, &c.,

The Secretary of State of Foreign Affairs, *par interim*.

C. ARCHIN.

No. 14.

Mr. Hay to Mr. Langston.

No. 127.] DEPARTMENT OF STATE,
WASHINGTON, *August* 17, 1880.

SIR: In acknowledging the receipt of your dispatch of the 24th ultimo, No. 295, I have to inform you that the Department approves your action as therein reported, with regard to the claim of Mr. Antonio Pelletier against the Government of Hayti.

* * * * * * *

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 15.

Mr. Evarts to Mr. Langston.

No. 135.] DEPARTMENT OF STATE,
WASHINGTON, *November* 3, 1880.

SIR: I transmit a copy of two letters addressed to this Department by Antonio Pelletier. The first bears date the 18th

mo, and is accompanied by a bill of particulars of his claim inst the Haytien Government. Some, at least, of these ht be objected to as unreasonable in amount and as parng of the character of vindictive or consequential damages. s difficult to believe that that government would voluntapay such a bill. The statement is useful, however, in one ect at least. It shows that the claimant was a man of conrable property and was engaged in business enterprises ch his imprisonment by the Haytien Government indirectly east ruined. In his letter of the 29th ultimo he consents ccept a sum much less than that claimed in the previous mmunication, and one which it may not be unreasonable to expect that government to pay. A prompt and satisfactory adjustment of this protracted controversy is due to the character for justice which it is supposed the tian Government is desirous of maintaining before the ld, and will be sure to strengthen the friendly relations been the United States and that Republic.

On reviewing the origin and course of the proceedings inst Captain Pelletier, it seems more and more obvious those who were the most active in them were prompted nfounded prejudice and impassioned malice. It is true that vessel he bought had formerly been a slaver, and that at time he was a member of a commercial firm in New Ors. To charge him on this account with a purpose of ening in the slave trade, and even with an intention to carry tiens to Cuba for sale, were so improbable as to vitiate, at r root, all the proceedings against him, and to warrant this ernment in demanding reparation in his behalf. The fact we were then engaged in a civil war, and probably the position that we might not be able or disposed effectually interfere for the relief of a member of a New Orleans se, may not have been without their influence with those seized Captain Pelletier's property, and imprisoned and erwise grossly maltreated him.

I am, &c.,

WM. M. EVARTS.

[Inclosure 1 in No. 135.]

Mr. Pelletier to Mr. Evarts.

WASHINGTON, D. C., *October* 18, 1880.

SIR: I learn that there is a probability that my long-deferred claim against the Haytien Government is likely to be adjusted on the return of the American minister accredited to that government.

With a view of presenting a full and clear statement of my claim against that government, I herewith inclose a supplemental itemized statement of what it consists. I most respectfully invite your attention to it, and request that it be fully and carefully considered in the negotiation pending its adjustment.

With great respect, I am, very respectfully,

ANTONIO PELLETIER.

The Republic of Hayti to Antonio Pelletier, Dr.

1860.	To value of bark William, cargo, money, and property seized, as per schedule	$91,800	
	Twenty years' interest, at 6 per cent. per annum	110,160	
			$201,960
1864.	Losses by imprisonment, viz:		
	Loss of capital invested as partner in the firm of Delauney, Rice & Co	50,000	
	Loss of sundry parcels of real estate purchased by me, upon which partial payments had been made, amounting to	49,000	
	(But forfeited for non-payment of the final payments.)		
	Loss of real estate in West Virginia, consisting of 500,000 acres, in the purchase of which I had paid	175,000	
	(The title to which was for-		

feited by reason of my imprisonment in Hayti, for non-payment of final payments.)		
Loss of claim against Overman and Gruner, for the value of certain ships sold by them, as agents of mine, consisting of ships in the Australian trade, and worth over.....	$500,000	
		$774,000
(The suit being dismissed for want of prosecution, during the time of my imprisonment.)		
35 Loss of investment in a boot and shoe manufactory in Troy, N. Y.	65,000	
Loss of various other claims and demands, then good, but rendered worthless by lapse of time, amounting to	23,000	
Interest for sixteen years, at 6 per cent. per annum.....	827,520	
Expenses in supplying evidence contained in the ship's books and papers of the bark William, destroyed or withheld from me, consisting of the employment and expenses of special agents in visiting the ports of Grand Cayama, and other ports in the West Indies	25,000	
Expenses of counsel, printing, &c., in the prosecution of my claim against Hayti	250,000	
		$1,190,520
		2,166,480

Damages to my person in the matter of my arrest and captivity, consisting in sufferings, mental and physical, false and malicious charge of piracy, of being a slaver, the threats of execution as such, the at-

t the Haytian Government is poor, I have concluded to ac-
ot six hundred thousand dollars in full satisfaction of my
im against that government, if settled promptly and satis-
torily without the delay of an arbitration. Pay two hun-
d thousand dollars cash in hand, and four hundred thousand
llars in the bonds of the government upon recoverable pay-
nts.

I am, sir, your obedient servant,

ANTONIO PELLETIER.

No. 16.

Mr. Langston to Mr. Evarts.

. 323.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *Dec.* 17, 1880.
(Received Dec. 31.)

SIR: I have the honor to advise you that within a very few
ys I have had conversations with the Hon. Evariste Laroche,
in the absence of the President, charged with the depart-
ment of foreign affairs, with the President himself, who,
having returned to the city, spent five days here last week,
ving again for the south on the 11th instant, and with the
on. C. Archin, secretary of state of foreign affairs *ad interim*,
ring the absence of Mr. Laforestrie in Paris, on the 9th in-
nt, in regard to settling the reclamation of Captain Pel-
ier.

In these several conversations I labored to impress upon
e officials referred to the importance of giving this case
ompt and thorough consideration, and immediate and ample
ttlement. In word certainly, and apparently really, the sec-
tary of Mr. Archin, who is also the law officer of the gov-
nment, assured me that upon the return of the President,
out the 28th of this month, this case should be given imme-
ate attention, and early in the month of January next I
ight hope to receive an answer from his government there-

upon. I simply replied, "I shall rely upon your promise in that behalf."

In acknowledging the receipt of your instruction, No. 135, dated November 3, 1880, with regard to this case, I beg to assure you that I shall press it with vigor, in accordance with your instructions.

I am, &c.,

JOHN MERCER LANGSTON.

Mr. Langston to Mr. Evarts.

No. 339.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *January* 29, 1881.
(Received Feb. 12.)

SIR: I have the honor to transmit herewith inclosed a copy of a note addressed by me to the Hon. C. Archin, on the 17th instant, with regard to the settlement of the claim of Mr. Antonio Pelletier, in which he is reminded that I expect him to keep his promise made with respect thereto on the 9th ultimo. Again, on the 25th instant, in a conversation had with him at this legation, I reaffirmed that our government regarded this case as a very grave one, and expected that the Haytian Government, regarding it in the same light, would make no delay in reaching some proper adjustment thereof. Whereupon he stated that he had the case under consideration, and that he did not fail to appreciate its importance.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 339.]

Mr. Langston to Mr. Archin.

LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *January* 17, 1881.

SIR: In an interview had with you on the 9th ultimo, you

ill remember, that, referring to your dispatch of the 6th of ugust, in reply to mine of the 12th of July last, with regard the reclamation of Mr. Antonio Pelletier, you assured me at in the early part of this month, after the return of the resident from the South, your government would advise me to its conclusions with respect to such claim.

I have now, Mr. Secretary, the honor to state that I await formation in such behalf,

I am, &c.,

JOHN MERCER LANGSTON.

on. C. ARCHIN,
Secretary of State of Foreign Affairs,
Port-au-Prince, Hayti.

No. 18.

Mr. Evarts to Mr. Langston.

o. 145.]

DEPARTMENT OF STATE,
WASHINGTON, *February* 16, 1881.

SIR: Your dispatch, No. 339, of the 29th of January last, lative to the Pelletier claim, so called, has been received. It accompanied by a copy of a note which you had addressed the Haytian minister for foreign affairs on the subject. opes have been entertained from the tenor of your previous terviews with that functionary, to which you refer, that his vernment would of its own accord have made an offer of norable settlement in the case. It is hoped that a similar fer will not be delayed, so that intelligence may reach here the early days of next month. Such an event would cerinly illustrate your official career.

I am, &c.,

WM. M. EVARTS.

No. 19.

Mr. Langston to Mr. Evarts.

No. 350.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *February* 25, 1881.
(Received March 11.)

SIR: I have the honor to bring to the attention of the Department a dispatch, a copy of which, with translation, is herewith inclosed, dated as of the 5th instant, from Hon. C. Archin, acting secretary of state of foreign affairs of this government, in which he advises me that the claim of Antonio Pelletier is being considered by the cabinet, and within a few days he hopes to be able to give me the decision of his government with regard thereto.

On the 15th instant I addressed a note, a copy of which is herewith inclosed, to Mr. Archin, in which, after thanking him especially for the information given me touching the case of Mr. Pelletier in this dispatch, I invite his attention to the statement of Captain Pelletier's claim as presented by him to the Department, and transmitted to me in your instruction No. 135 of November 3, 1880, a copy of which statement I forwarded, as you will perceive from my note therein to the Haytien Government. The items of claim as made by Captain Pelletier in his statement referred to amount, as you will remember, to $2,466,480. As I state in my note, I believe this statement will aid the honorable council of secretaries of state in reaching a fair and just conclusion with respect to this grave and serious case.

On the 22d instant I had the honor to receive a note from Mr. Archin, a copy of which, with translation, is herewith inclosed, in which he advises me of the receipt of my note of the 15th instant with its inclosure as already stated. He further promises to bring my note and the statement to the attention of the council of secretaries of state, who will give the

er due consideration, and their conclusion, so soon as d, he will make haste to make known to me.

am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 2.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
(Section —, No. —),
PORT-AU-PRINCE, *February* 5, 1881.

J. M. LANGSTON,
Minister Resident of the United States of America at Port-au-Prince:

Ir. MINISTER: I have had the honor to receive your three atches of the 17th and 18th January last, and have hastened lace them under the eyes of the members of my govern- t.

s regards Mr. Hugo, Kainer, to whom you wish in the e of your government give the post of consular agent at t de Paix, instead and place of Mr. A. Charlemagne, who pied that office, and who has resigned his functions, you not deem it wrong that before answering you we take some rmation as to the personality of that gentleman, of whom hear for the first time, unless you yourself can furnish us information, for which we should be very grateful.

s regards the affair Kunhardt & Co., referring to the ex- ations, verbal, which you gave me in our last conversation, which I have presented to the council, I have the pleasure announcing to you that, notwithstanding the great actual arrassment of the public treasury, my colleague of the nces will place at your disposal the first of the terms due this claim, to wit, $4,467.50.

This is all which it it is humanly possible for us to do at sent, and I hope that you will be indulgent toward us, ing to this embarrassing situation.

The documents relating to the Pelletier claim are at this moment under consideration of the council of the secretaries of state, which has commenced the examination thereof this week. I therefore hope that within a few days I may be able to let you know the decision of my government in that regard.

In the mean time, be pleased to receive, Mr. Minister, the new assurance of my high consideration.

The secretary of state of foreign affairs, *par interim*.

C. ARCHIN.

[Inclosure No. 3.]

No. 136.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *February* 15, 1881.

SIR: Referring to your dispatch addressed to this legation on the 5th instant, and acknowledging its due receipt, I have the honor to tender you my thanks, especially for that portion of the dispatch in which you advise me that the reclamation of the American citizen, Antonio Pelletier, is being considered by the honorable council of secretaries of state, and that within a few days you hope to be able to communicate to me the decision of your government with regard thereto.

It appears to me to be opportune, Mr. Minister, to present for your consideration at this time in succinct, yet comprehensive tabular statement, the several general and detailed items of claim held by Mr. Pelletier against your government, and which, as it would seem, may be justified and supported by manifest considerations of law and equity.

I beg therefore to present to you herewith inclosed a statement forwarded to me by my government, as prepared by Mr. Pelletier himself, formulating the several matters of his claim against your government. I have no doubt, Mr. Minister, that this statement, carefully considered, will greatly facilitate the endeavors of the honorable council of secretaries of state to reach a fair and just conclusion with respect to this grave and serious case.

embrace this opportunity, Mr. Minister, to renew to you assurance of my very distinguished consideration.

JOHN MERCER LANGSTON.

[Inclosure 5.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
(Section —, No. —),
PORT-AU-PRINCE, *February* 22, 1881.

J. M. LANGSTON,
Minister Resident of the United States of America, Port-au-Prince.

Mr. MINISTER: I have the honor to acknowledge the receipt your dispatch of the 15th Febuary instant, complemental the reclamation which you have presented against my gov-ment in favor of Capt. Antonio Pelletier, accompanied by atement of the claims which he believes ought to amount, which do amount, to the enormous figure of $2,466,480. se documents shall be placed with your previous notes to brought to the attention of the council of secretaries of e, who will give thereto such solution as may be just, of which I will make haste to give you notice.

In the meantime, I pray you, Minister, to be pleased to accept the renewed assurance of my high consider-n.

The secretary of state of foreign affairs, *par interim*.

C. ARCHIN.

No. 20.

Mr. Langston to Mr. Evarts.

356.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *March* 3, 1881.
(Received March 24.)

IR: In acknowledging the receipt of dispatch No. 145,

from the Department, dated February 16, 1881, referring to the claim of Captain Pelletier, I beg to state that so far as this legation is concerned, such claim has been and is being pressed with all possible vigor. I had hoped, according to the several repeated promises, of which you have already been advised, of the honorable secretary of state, C. Archin, to have been able to report some weeks ago the decision of the Haytien Government with regard to this case.

The gravity of this case is well understood by the Haytien Government; it cannot fail to recognize its justice, but it evidently seeks delay in its settlement, hoping, per adventure, to find way of escape from its adjustment. There is no legitimate defence to be made against this demand, and if I do not receive some response from this government, having in view definite settlement thereof, so that I may advise the Department of such fact by the mail leaving this city on the 26th instant, I shall feel it to be my duty then to ask the government to give this legation such assistance in the premises as to compel its due and immediate payment.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

No. 21.

Mr. Langston to Mr. Blaine.

No. 360.] LEGATION OF THE UNITED STATES,
PORT-AU-PRINCE, HAYTI, *March*, 1881.

SIR: I have the honor to transmit herewith, inclosed with translation, a copy of a dispatch dated on the 15th instant, received by me on the 16th, in which Mr. C. Archin, acting secretary of state of foreign affairs of the Haytien Government, presents its decision upon the reclamation of Capt. Antonio Pelletier.

Mr. Archin, in his dispatch, much more lengthy and elaborate in its statement of what is claimed to be the facts of this

than that of Mr. Laforestrie upon the same subject of
il 6, 1880, transmitted to the department as an inclosure
ispatch of this legation No. 251 of April 20, 1880, submits
conclusion of his government, that it refuses to accord the
and made in behalf of Captain Pelletier, or to submit the
to arbitration.

After stating that Captain Pelletier was delivered by
Mr. Memcan, the French consul residing at Cape Hay-
tien to whom he had appealed for aid and protection,
ne Haytien authorities, to be tried as a pirate and slaver
rding to the laws of Hayti, alleging, also, that his trial
g in all respects legal and fair, he enjoying as to his de-
e the largest liberty, being defended by the ablest attor-
s of the Haytien bar upon public and contradictory plead-
, was duly convicted and sentenced finally to confinement
ive years in irons with confiscation of his vessel, its rigging,
furniture, and that it was during his confinement in prison
'ort-au-Prince, according his sentence, that he became so
that he was transferred through the generous pity of the
tien authorities to the hospital of that city, from which he
e his escape.

he honorable acting secretary further states that whatever
be the interpretation of the facts which he presents, sus-
ed as they are by the official documents pertaining to this
, four things are true: 1st, that Captain Antonio Pelle-
, charged with the double crime of piracy and attempt of
e-trade in Hayti, was arrested, tried, and condemned ac-
ling to the laws of the republic, as every Haytien and other
on against whom like offences might have been made would
been tried; 2d, that in his trial, in which several
rs of different foreign nations were involved, in favor of
m no claim has been presented since Captain Pelletier and
co-accused were tried upon public and contradictory plead-
, before a legally constituted jury, and with all the privi-
s attaching to a free and complete defence; 3d, that he,
his co-accused, against all the decisions made in this case,

exercised all those means of recourse given by the laws of the republic, even against the sentence of the criminal court of Cape Haytien of June 23, 1862, which condemned him to the punishment of five years' confinement in irons, and which became definitive; 4th, that this last judgment has acquired the authority of a thing adjudged, and for more than eighteen years since it was rendered, no judgment, no other act provoked by Capt. Antonio Pelletier and emanating from the judicial authority has been taken to disturb the faith due and the judicial verity attached to the last and definitive sentence pronounced against him, and from which, after he had submitted to the punishment pronounced against him, he escaped by flight.

In view of such circumstances, the Government of Hayti refuses to consider the demand which has been made in behalf of Captain Pelletier, and charges Mr. Archin to express its decision accordingly to me.

As to the real facts of this case, the outrages perpetrated upon Captain Pelletier, the denial of every semblance of justice in the mock trial which was accorded him upon the false charges of piracy and slave-trading, his conviction and sentence, and the confiscation of his property, the Department is fully advised, as its instructions heretofore given me with regard to this reclamation fully show.

I beg to state that while I am greatly disappointed and surprised at the conduct and the position shown and taken by the Haytien Government with respect to this case, it is now manifest that the only alternative left to our government in the premises, would it sustain its instructions already given in this case, is to indicate its purpose and determination with regard thereto in such manner as to make its demand in behalf of its outraged citizen duly appreciated and felt.

Awaiting any further instructions which the Department may be pleased to make in this case,

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosures.]

No. 1. Copy of Hon. C. Archin's despatch to Mr. Langston, dated March 15, 1881.

No. 2. Translation of above.

[Inclosure No. 2.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
(Section —, No. —,)
PORT-AU-PRINCE, *March* 15, 1881.

Mr. J. M. LANGSTON,
Minister Resident of the United States of America at Port-au-Prince:

Mr. MINISTER: As I have had the honor to promise you in one of my late despatches, my government has *de novo* attentively and minutely examined the reclamation which you have presented to it on behalf of Capt. Antonio Pelletier, condemned by the Haytien tribunals in the year 1861, first to capital punishment, then, upon appeal from this sentence for false application of the penal law, to five years in irons, and that for the crimes of piracy committed on the high seas, and of attempt of slave trade upon the coasts of Hayti, and in favor of whom you demand the fabulous indemnity of $2,466,480, for the estimation of which you demand of us even to have recourse to arbitration. The gravity and importance of this claim, made after an interval of nearly eighteen years, and following civil troubles which, by agitating violently and almost constantly, during a sufficiently long time the country, have deranged and even destroyed a good portion of the public archives, have not permitted to be made sooner this examination, which required care and reflection.

Without doubt, Mr. Minister, your government has been led into error by the person interested to present to the government of the Republic such claim which *a priori* and in our inmost conviction your government would have, of itself and

without any suggestion from another, repulsed, if it could have known exactly and primarily the truth of this affair, in which the dearest interests of humanity maintained by the laws of all civilized nations have unfortunately been brought in question.

My position of citizen and of secretary of state of the Republic of Hayti imposes upon me then, first of all, the imperious obligation to exert myself to re-establish to you the facts in all their nakedness and disrobed of all interested character or of resolution taken.

According to the official documents which are in the possession of my government, Capt. Antonio Pelletier sailed upon a vessel called the William, whose true flag it has never been possible to ascertain (since he took successively that of several nations), and which had on board a crew and a set of instruments and objects, the details and composition of which indicated clearly its purpose of slave-trading, had been, upon the formal charge of one of the men of his own crew, bringing against him the grave accusation of being at once pirate and slaver, arrested at Fort Liberté, during the year eighteen hundred and sixty-one, by Mr. Memican, French consular agent residing at Cape Haytien, of whom Captain Pelletier had asked support and protection, and who, recognizing him such as his accuser had represented him, remitted him to the hands of Haytien justice, to be judged comformably to the laws of Hayti. In consequence of such double prevention Captain Pelletier was transferred to the prisons of the city of Port-au-Prince, where the trial took place; and this was only after a long, minute, and costly procedure, which lasted for entire months, and which had been brought before several tribunals, and after public and contradictory pleadings, in which the accused was defended with the largest liberty and with the support of the most eminent lawyers of the Haytien bar, that Captain Pelletier, condemned first to death and to the payment of damages to Messrs. Juan Cotes and Antonio Caño, who had been made civil parties against him and his co-

defendants in the trial by the criminal court of Port-au-
upon the affirmative declaration of the jury of its judgment,
as it appears from such sentence dated August 30, 1861, an-
nulled upon recourse by him taken to the court of cassation
(decree of the 14th of October, 1861) had been definitely con-
demned by the criminal tribunal of Cape Haytien, designated
by the supreme court to take cognizance thereof, to the pun-
ishment of five years in irons; and that, conformably to the
penal law, the William, seized and confiscated with all its rig-
ging and apparel as having served as instrument for the per-
petration of the illegal acts brought against its captain and
crew, had been publicly sold at auction.

While he was undergoing his punishment at Port-au-Prince
the condemned, Antonio Pelletier, upon the statement which
he made to the administration of the prison with regard to a
malady from which he said he was suffering greatly,
42 and which rendered dangerous to his life his prolonged
detention in the prison of the capital, obtained, through
the generous pity of the Haytien authority, his transfer to the
hospital of this city to be cared for; but he took advantage of
this favor given him to escape from that place and fled thus
from the territory of Hayti.

Whatever may then be the manner in which one might or
would interpret these facts, which accord with the terms of all
the pieces and documents relative to this affair and made pub-
lic at the time through the official journal of the Republic,
there will remain, Mr. Minister, as absolutely undeniable and
authentic the following points: 1st, that Capt. Antonio Pelle-
tier, charged of the double crime of piracy and attempt of
slave trade upon the soil of Hayti, had been arrested, judged,
and condemned according to the laws of the Republic, as
every Haytien or other person would have been against whom
there might have been imputed like crimes; 2d, that in his
trial, in which several other foreigners of different nations
were found involved, in favor of whom no reclamation of the

fact of none of the other powers of which these last were subjects has been presented since then, Capt. Antonio Pelletier and his co-defendants had been tried upon public and contradictory pleadings, and before a jury legally composed, and had enjoyed all the privileges attaching to a free and complete defense; 3d, that he had exercised largely with his co-defendants against all the decisions rendered in this affair, all the means of recourse which the laws of the Republic gave him, even against the sentence of the criminal court of Cape Haytien of the date of the 23d of June, 1862, which condemned him to the punishment of five years in iron, and which had become definite; 4th, that this last judgment had acquired the authority of the thing adjudged; and that, since more than eighteen years that it has been rendered no judgment, no other act provoked by Capt. Antonio Pelletier and emanating from the judicial authority, which according to our constitution is an independent power and separated from the two others with which it forms the government of the Republic, has appeared to even shake the faith due and the judicial verity attached to the last and definitive sentence against him pronounced, and of which he had commenced to suffer the punishment which it pronounced, from which he escaped by flight.

In view of these circumstances the government of the Republic cannot, to its great regret, take into consideration that which you demand of it in behalf of Captain Pelletier, and charges me to advise you of it.

The government of the Republic, full of confidence in the justice, the equity, and the undoubted intelligence of the Government of the United States, as well as in the respect which it has not ceased to show for the authority of the laws, either within its own territory or within that of other countries, its friends or allies, dares to hope that your government, informed now upon the true situation of the one for whom it has charged you to make intercession and to make reclamation of our government, will be convinced of the error in which the interested

party has sought to draw it, and will abandon the action which it has presented and which nothing can reasonably justify.

In this hope I have the honor, Mr. Minister, to renew to to you the assurances of my very high consideration.

The Secretary of State of Foreign Affairs, *ad interim*,

C. ARCHIN.

The Commission then adjourned to Wednesday, November 26, 1884, at 10 o'clock A. M.

NOTE.

The subsequent proceedings having been printed in advance of Executive Documents No. 86 and 260, accounts for the blank between page 381 and page 465.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *November* 26, 1884.

Pursuant to adjournment, the Commission met to-day at 10 o'clock A. M.

Present:

Hon. WILLIAM STRONG, Arbitrator:

Messrs. JACKSON, MERRIMAN, and ELDREDGE, on behalf of the claimant, and the Marquis DE CHAMBRUN and Mr. BOUTWELL, on behalf of the Republic of Hayti.

Counsel for the claimant then offered in evidence a series of documents bound together, and found in a volume of the State Department, marked "Miscellaneous Letters, January, part 2, 1878," and described by the counsel as follows:

1. Manifest of a part of the cargo of the bark "William."
2. The register of the bark "William."
3. Duplicate of said register.
4. Report of the collector of customs at Mobile.
5. Manifest of cargo.
6. Naturalization papers.
7. Report of the proceedings of the United States district court of the southern district of Florida, in the case of the bark "William."

The following are the above-described papers:

1.

Shipper's manifest—part of cargo.

Manifest of part of cargo shipped by M. S. Charlock & Co. on board the barque William, whereof Pelletier is master, for Carthagena.

Marks.	Packages and Contents.	Value of Domestic Merchandise.
J. B. & Co.	29 bbls bread..... ....., ...	$232 00
	118,000 feet lumber.....	1,982 40
		$2,214 40

District and Port of Mobile:

I, C. P. Dorgan, do solemnly swear that the above manifest contains a just and true account of all articles shipped on board the above-named vessel by M. S. Charlock & Co., and that the values of such articles are truly stated, according to their actual cost or the values which they truly bear at this port and time, and that the said articles are truly intended to be landed in the port of Carthagena; so help me God.

(Signed.) C. P. DORGAN.

Affirmed before me this 27th day of October, 1860.

Customs House, Mobile,
Collector's Office, *Dec. 16th*, 1874.

I certify this to be a true copy of the manifest now on file in this office.

[seal.] M. GOLDSMITH,
Deputy Collector.

Copy.]

TREASURY DEPARTMENT.

Be it remembered that John Allison, Esq., who certified the annexed paper, is now, and was at the time of doing so, Register of the Treasury, and that full faith and credit are due to his official attestations.

In testimony whereof I, B. H. Bristow, Secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this 25th day of November, in the year of our Lord 1874.

[SEAL.] B. H. BRISTOW,
Secretary of the Treasury.

Temporary register of vessels.

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels," Antonio Pelletier, of New York, having taken or subscribed the oath required by the said act, and having sworn that he is a citizen of the United States, and the only owner of the ship or vessel called the William, of New York, whereof George M. Smith is at present master, and is a citizen of the United States, as he hath sworn, and that the said ship or vessel was captured by the U. S. naval forces on the coast of Cuba and condemned as a prize in the United States district court of Florida, held in the city of Key West, and sold by order of said court on the 2nd day of July, 1860, by the U. S. marshal of said district;

And the certificate of admeasurement of John Boyle, Esq., inspector of the port of Key West, on file in this office, having certified that the said ship or vessel has poop-deck and three masts, and that her length is ninety-six feet, her breadth twenty-four feet ten inches, her depth ten feet two inches, and that she measures two hundred and fifteen and $\frac{45}{95}$ tons, ($215\frac{45}{95}$ tons;) that she is a bark, has a sqr. stern, no galleries, and a billet head;

And the said Antonio Pelletier having agreed to the description and measurement above specified, and sufficient security having been given according to the said act, the said bark has been duly registered at the port of Key West.

Given under my hand and seal, at the port of Key West this 28th day of August, in the year one thousand eight hundred and sixty, (1860.)

[SEAL.] F. BIGGAR,
Register.

JNO. P. BALDWIN,
Collector.
By CHAS. HOWE,
D'y Col.

[Endorsement.]

Ex. "B."

No. 34, temp'y register, bark William of New York. T 215 45-95ths. Key West, Aug. 28, 1860.

Surrendered Mobile 27th October, 1860, property and district having changed. W. Smith, D. C.

TREASURY DEPARTMENT,
REGISTER'S OFFICE, *Nov. 24th*, 1874.

I hereby certify that this is a true copy of Temporary Register No. 34, which was issued at the port of Key West on the 28th day of August, 1860, to the bark called the "William." of New York, and that the said temporary register is now on file in this office.

JOHN ALLISON,
Register.

3.

TREASURY DEPARTMENT.

Be it remembered that John Allison, Esq., who certified the annexed paper, is now, and was at the time of doing so,

Register of the Treasury, and that full faith and credit are due to his official attestations.

In testimony whereof I, B. H. Bristow, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department, at the city of Washington, this 25th day of November, in the year of our Lord, 1874.

[SEAL.] B. H. BRISTOW,
Secretary of the Treasury.

Temporary No. 30.

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels;"

Edward Lee Launde, of New Orleans, State of Louisiana, having taken or subscribed the oath required by the said act, and having sworn that he is the only owner of the ship or vessel called the William, of New Orleans, whereof Ant'o Pelletier is at present master, and, as he hath sworn, is a citizen of the United States, and that the said ship or vessel was captured by the U. S. naval forces on the coast of Cuba, and condemned as a prize in the U. S. dist. court of Florida, and sold by order of the said court, held in the city of Key West on the 2d day of July, 1860, by the U. S. marshal of said district, as by Temporary Register No. 34, issued at Key West on the 28th Aug., 1860, now surrendered property of district having changed;

And said temporary register having certified that the said ship or vessel has poop-deck and three masts, and that her length is 96 feet, he breadth is $24\frac{10}{12}$ feet, her depth is $10\frac{2}{12}$ feet, and that she measures $215\frac{45}{95}$ tons; that she is bark, has square stern, no galleries, and a billet head;

And the said Edward Lee Launde having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said acts, the said bark has been duly registered at the port of Mobile.

Given under my hand and seal, at the port of Mobile, this 27th day of October, in the year one thousand eight hundred and sixty.

[SEAL.] (Signed) F. BIGGAR,
Register.

[SEAL.] (Signed) W. SMITH,
Dpy. Coll.

[Endorsement.]

3430 Ex. "C."

TREASURY DEPARTMENT,
REGISTER'S OFFICE, *Nov. 24th*, 1874.

I hereby state that this is a true copy of duplicate register No. 30, which was issued at the port of Mobile on the 27th day of October, 1860, to the bark called the "William," of New Orleans, and that the said duplicate register is now on file in this office.

JOHN ALLISON,
Register.

3*a*.

Ex. "D."—Clearance.

Exports domestic produce in American vessels, quarter ending December 31st, 1860.

Date.	Vessel.	Destination.	Boards, Scantlings, Planks, &c., &c.	
1860.			Feet.	Value.
Oct. 27	Bark William.....	Carthagena	118,000	$2,214

COLLECTOR'S OFFICE,
MOBILE, *November 28th*, 1874.

I hereby certify that this is a true copy of the records of this office.

[SEAL.] JAMES L. GOODLOE,
Sp'l D'y Collector.

4.

UNITED STATES OF AMERICA,
TREASURY DEPARTMENT, *December 8th*, 1874.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed is a true copy taken from an original paper on file in this Department.

In testimony whereof, I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.] B. H. BRISTOW,
Secretary of the Treasury.

CUSTOM HOUSE, MOBILE, ALA.,
COLLECTOR'S OFFICE, *November* 28, 1874.

SIR: Replying to your letter of the 23d inst., (D. L.,) I have the honor to enclose a certified copy of the records in this office regarding the clearance Oct 27th, 1860, from this port of the bark "William," Pelletier, master, as ordered.

Very respectfully,
(S'g'd) J. L. GOODLOE,
Sp'l D'y Collector.

SECRETARY OF THE TREASURY,
Washington, D. C.

5.

Ex. "E."

Outward foreign manifest.

Report and manifest of the cargo laden at the port of Mobile, on board the barque William, whereof Pelletier is master, bound for Carthagena:

Marks.	Packages and Contents.	Value of Domestic Merchandise.
Various	118,000 feet lumber.....	$1,982 40
J. B. & Co..	29 bbls. bread	232 00
		$2,214 40

CUSTOM HOUSE, MOBILE,
COLLECTOR'S OFFICE, *Dec'r. 16th*, 1874.

I certify this to be a true copy of the manifest now on file in this office.

[SEAL.] M. GOLDSMITH,
Dep'y Collector.

I hereby certify that this manifest is a true and accurate copy of the original now on file in the custom-house at Mobile, Alabama.

E. F. JENNINGS,
Sp'l Treasury Agent.

MOBILE, ALA., *Dec.* 16, 1874.

[Endorsement.]

Master's oath on clearing outward.

DISTRICT AND PORT OF MOBILE.

I, A. Pelletier, master and commander of the barque William, bound from the port of Mobile to Carthagena, do sol-

emnly, sincerely, and truly swear that the manifest of the cargo on board the said vessel now delivered by me to the collector of this district and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof, and if any other goods, wares or merchandise shall be laden or put on board the said vessel previous to her sailing from this port, I will immediately report the same to the said collector. I do also —— that I verily believe the duties on all foreign merchandise therein specified have been paid or secured according to law, and that no part thereof is intended to be re-landed within the United States; and that if, by distress, or other unavoidable accident, it shall become necessary to re-land the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. And said cargo is truly intended to be landed in the port of Carthagena. So help me God.

(Signed) ANTONIO PELLETIER.

Affirmed to before me this 27th day of October, 1860.

WALTER SMITH,
Dp. Collector.

6.

Duplicate.] Ex. "F."

United States of America.

STATE OF NEW YORK,
City and County of New York, } *ss:*

Be it remembered that on the sixth day of October, in year of our Lord one thousand eight hundred and fifty-two, Antonio Pelletier appeared in the court of common pleas for the city and county of New York, (a court of record, having common

law jurisdiction, a clerk, and seal,) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the provisions of the several acts of the Congress of the United States of America for that purpose made and provided. And the said applicant, having produced to the said court such evidence, having made such declaration and renunciation, and having taken such oaths as are by the said acts required—

Thereupon, it was ordered by the court that the said applicant be admitted, and he was accordingly admitted to be a citizen of the United States of America.

In testimony whereof the seal of the said court is hereunto affixed this second day of December, one thousand eight hundred and seventy-four, and in the ninety-ninth year of the independence of the United States.

Per curiam:

[SEAL.] NATH'L JARVIS,
Clerk.

7.

District court of the United States, southern district of Florida.—In admiralty.

THE UNITED STATES
vs.
THE BARK WILLIAM, goods and effects.

An attachment having been issued in this case, and mention published more than fourteen days, and proclamation having been duly made, and no claimant appearing, it is ordered, and decreed that the libel in this case be taken *pro confessor;* and it is further ordered and decreed that the said bark, tackle, apparel, and furniture, and the goods and effects found on board, except one belt pistol, claimed by Luis Gallardo, be forfeited and condemned to the United States and be sold by the marshal, and that the net proceeds of sale be paid, the one-half into the

Treasury of the United States and the other half divided and distributed between and among the officers and crew of the said Wyandot making the capture, according to law, and paid accordingly; and that the said pistol be restored to the said claimant; that Corporal Staples, who belonged to the crew of the Wyandot at the time of making the capture, but who is understood to have been left accidentally on shore at the time of the capture, be admitted to share in the distribution, unless the contrary is shown.

(Signed) WM. MARVIN,
Judge.

—

United States of America, United States district court, southern district of Florida.

The President of the United States, to the marshal of the said court for said district, greeting:

Pursuant to an order of said court in the cause wherein the United States are libellants against the bark William, —— respondent, directing that the provisions on board which are liable to deterioration and decay be sold—

Now therefore you are hereby commanded, after giving due notice of the time and place of sale, to proceed to sell at public auction the said provisions, which are liable to deterioration and decay.

And the money arising from such sale you are required to deposit in the registry of said court, and file your account of the costs and charges thereon. Hereof fail not; and how you shall execute this precept make known to this court by a return hereof.

Witness the Honorable William Marvin, judge of said court, at Key West, in said district, this 22d day of May, in the year one thousand eight hundred and sixty.

[SEAL.] (Signed) J. B. BROWNE,
Clerk.

Came to hand the 22d day of May, 1860, and executed as herein commanded.

(Signed) FERNANDO J. MOREUR,
U. S. Marshal.

—

United States of America, United States district court, southern district of Florida.

The President of the United States, to the marshal of the said court for said district, greeting:

Pursuant to an order of said court in the cause wherein the United States are libellants against the bark William, directing that the marshal proceed to advertise and sell said bark William, her tackle, apparel, guns, goods and effects at public auction.

Now, therefore, you are hereby commanded, after giving due notice of the time and place of sale, to proceed to sell at public auction the said bark William, her tackle, apparel, guns, goods, and effects found on board. And the money arising from such sale you are required to deposit in the registry of said court and file your account of the costs and charges thereon.

Hereof fail not; and how you shall execute this precept make known to this court by a return hereof.

Witness the Honorable William Marvin, judge of said court, at Key West in said district, this seventh day of June, in the year one thousand eight hundred and sixty.

[SEAL.] (Signed) JOS. B. BROWNE,
Cle k.

By JNO. P. BALDWIN,
D'y Clerk.

—

SOUTHERN DISTRICT OF FLORIDA, KEY WEST.

Came to hand on the 7th day of June and executed on the 22d day of July, 1860, by selling the bark William, her tackle, apparel, &c., at public auction as herein commanded.

(Signed) FERNANDO J. MOREUR,
U. S. Marshal.

Account sales of the bark "William," her tackle, apparel, furniture, stores, &c., condemned by a decree of the district court of the United States, and sold at public auction by virtue of two orders of sale issued out of the clerk's office of the said district court of the United States for the southern district of Florida, dated May 22d and June 7th, 1860.

Various purchasers.	Stores.	
	2 bbls. prime pork @ $9⅝	$19 25
	2 " beef	10 75
	1 " "	5 62
	1 bag rice	2 81
	1 " "	2 94
	4 " " @ $2	8 00
	1 " "	2 12
	1 " "	1 88
	2 " " @ 11-16	2 87
	1 bag peas	2 00
	1 " "	1 00
	2 " salt	81
	Lot herbs	06
	4 jars olive oil @ 10%	5 00
	1 can oil	1 63
	4 lbs. coffee	56
	Lot palm oil	2 37
	½ bbl. vinegar	13
	Lot tar and pitch	87
J. F. Packer	"Bark William," her tackle, apparel, &c., as per inventory	1,504 00
Do	1 chronometer	101 00
Solomon	1 octant	18 50
Antonio	1 "	19 00
Antonio	1 "	20 00
Carey	1 large revolver	6 50
Stanley	1 small, " (Colt's)	7 00
Tift	1 large, " (Colt's)	12 50
Moffat	1 opera-glass	16 00
Do	1 " "	9 00
Antonio	Lot Spanish charts	5 00
Cash	" American "	3 00
Antonio	1 tool-chest and tools	10 00
Packer	1 large lantern	2 50
Guigan	4 muskets @ 12%	6 00
Packer	1 copper boiler, 186 lbs., at 11¾	21 85
Wall & Co.	130 water casks, at 10	162 50
Do.	3 cords firewood	13 50
Do.	Lot old lumber	15 00
		$2,023 52

(Signed) FERNANDO J. MOREAU,
U. S. Marshal.

KEY WEST, *July 16th*, 1860.

THE UNITED STATES
vs.
THE BARK "WILLIAM."

Final statement showing the amount of money paid into court and the manner of its disbursement:

To amount of money paid into court by the marshal, being the proceeds of sale of vessel and cargo		$4,571 96
From which the clerk paid marshal's bill, fees, and expenses	$140 89	
Clerks' bill, fees	67 30	
Dist. att'y, bill, fees	20 00	
		228 19
		$4,343 77
Paid one-half of the above am't into the Treasury of the U. S.	$2,171 88½	
Paid the other half to the officers and crew of steamer Wyandotte, as per decree of court	2,171 88½	
		4,343 77

Attest: (Signed) J. B. BROWNE, *Clerk.*

JULY 31ST, 1860.

Ex. "G."

Received, Key West, Florida, August, 1860, from J. B. Browne, clerk of the U. S. district court, the sums of money placed opposite to our respective names.

Rank.	Names.	Signatures.	
Lt. Com'd'g	Fabins Stanley	F. Stanley	$131 87
Lieut	Abner Read	A. Read	21 98
Do	Robert Seldon	R. Selden	21 98
Do	J. R. Eggleston	J. R. Eggleston	21 98
Master	J. M. Stibling	J. M. Stibling	21 98
1st Ass't Eng	W. H. Cushman	Wm. H. Cushman	14 65
3d do	M. H. Plunkett	M. H. Plunkett	14 65
Do	Wm. R. Purse	W. R. Purse	14 65
Do	E. J. Brooks	E. J. Brooks	14 65
Act'g M. Mate	M. M. Burrows	Jas. G. Carr, (att'y)	14 65
Do	Julian R. Beckwith	Julian R. Beckwith	14 65
Ass't Surg'n	Stuart Kenneday	F. Stanley, Lt. Com'r for Dr. Kennedy.	15 39
Capt. Clerk	Jas. G. Carr	Jas. G. Carr	15 39
Purser	George Roberts	Geo. Roberts	15 39
B. Mate	John Morrison	John + Morrison	15 39
Do	Francis Cassiday	Francis Cassiday	15 39
Gunner	Mich'l Craig	Michael Craig	15 39
Carp Mate	Edw'd Mills	Jas. G. Carr, (att'y)	15 39
M. Arms	Geo. Williams	Jas. G. Carr, (att'y)	15 39
Coxs	Thomas Babb	Thomas D. Babb	15 39
Do	W. H. Jones	W. H. Jones	15 39
Yeoman	Charles G. Ellis	Geo. Roberts, (att'y)	7 33
Qr. Mas	John William	John + Williams	7 33
Do	Wm. Newton	Wm + Newton	7 33
Q. Gun	Allen Wadsworth	Allen Wadsworth	7 33
Sergeant	Thos. Hamilton	Thomas Hamilton	7 33
Corporal	Thomas Condon	Thos. + Condon	7 33
Hosp. St'd	Henry Smart	Henry Smart	7 33
C. A. G	Alfred Baxter	F. Stanley for A. Baxter.	7 33
C. Hold	John Morris	John + Morris	7 33
Arms Mate	Anto. Roderguis 2d	Anto. + Roderguis 2d.	7 33
S. Cook	John Farrell	John + Farrell	7 33
W. R. C	Jacob Spencer	Jacob + Spencer	7 33
Cabin St'd	Benj. H. Cornell	Benj. H. Cornell	7 33
" C	Fred'k Gardner	Frederick Gardner	7 33
Cap. F. C	Wm. Fisher	William Fisher	7 33
1 C. F	George Darby	George + Darby	6 41
Do	Sam'l Cashart	Sam'l + Cashart	6 41
Do	Jos. Dugan	Jos. + Dugan	6 41
Do	Adrian Brinkerhoff	Adrian + Brinkerhoff	6 41
2 C. F	Thomas Farn	Thomas + Farn	6 41
Do	Geo. M. Eckhert	Geo. M. + Eckhert	6 41
Do	Wallace Harden	Wallace + Harden	6 41

Ex. "G"—Continued.

Rank.	Names.	Signatures.	
2 C. F.	Martin Troy	Martin + Troy	$6 41
Coal H'rs	Franklin H. Pearce	Franklin + Pearce	6 41
Do.	Wm. Gier	Wm. + Gier	6 41
Do.	Alfred Rutland	Alfred + Rutland	6 41
Do.	John Byrnes	John + Byrnes	6 41
Do.	Mich'l Doyle	Mich'l + Doyle	6 41
Seaman	Wm. Campbell	Wm. + Campbell	6 41
Do.	Anto Galushi	Anto + Galushi	6 41
Do.	Mich'l Francis	Mich. + Francis	6 41
Do.	Jas. Waters	Jas. + Waters	6 41
Do.	Jas. Sheppard	Jas. + Sheppard	6 41
O. Seaman	Mich'l Curran	Mich'l + Curran	6 41
	Wm. A. Finn	Wm. A. + Finn	6 41
	Mich'l Morgan	Mich'l + Morgan	6 41
	Charles Brown	Chas. + Brown	6 41
	Jos. B. Jameson	Jos. B. + Jameson	6 41
	Thos. Lyders	Thos. + Lyders	6 41
	Wm. H. Taylor	F. Stanley for W. Taylor.	6 41
L'ds	Charles Slater	Chas. + Slater	6 41
	Charles H. Scott	Chas. H. + Scott	6 41
	Jeo. D. Thompson	Jeo. D. + Thompson	6 41
	Hamlet Campbell	Hamlet + Campbell	6 41
	Theoph. Griffith	Theoph. + Griffith	6 41
	Anto Roderguis 1	Anto. + Roderguis 1	6 41
	Alex. Finlayson	Alex. + Finlayson	6 41
	Barney Mooney	Barney + Mooney	6 41
Boy	Fred'k A. Van Rouk	Fred'k A. Van Rouk	6 41
Do.	John Lawless	John + Lawless	6 41
Priv. of Mar.	James Brogan	James + Brogan	6 41
	Nath'l B. Giberson	Nath'l B. + Giberson	6 41
	Sam'l C. Harmer	Sam'l C. + Harmer	6 41
	Wm. Jennings	Wm. + Jennings	6 41
	Wm. Rodgers	Wm. + Rodgers	6 41
	Jas. Ronayne	Jas. + Ronayne	6 41
	Dan'l McMullen	Dan'l + McMullen	6 41
	Neal McGill	Neal + McGill	6 41
	Jas. Sloan	Jas. + Sloan	6 41

Received from J. B. Browne, clerk, &c., in conformity with the foregoing receipts the sum of ——.

——— ———,

Lt. Com'd'r.

District court of the United States, southern district of Florida.—In admiralty.

I, Eugene O. Locke, clerk of the district court of the United States in and for the southern district of Florida, do hereby certify the foregoing papers to be true and correct transcripts of—

1. Final decree of condemnation.
2. Warrant for sale of stores, (perishable.)
3. Warrant for sale of vessel, &c.
4. Account of sales.
5. Clerk's final statement.
6. Pay-roll of officers and men of U. S. S. Wyandotte.

In the case of The United States *vs.* Bark "William," lately adjudicated in said court.

Witness my hand and the seal of said court at Key West, in said district, this 14th day of October, A. D. 1874.

[SEAL.] EUGENE O. LOCKE,
Clerk.
by JOHN T. BARKER,
Deputy.

Counsel for the claimant offered in evidence the affidavit of Joseph Dubreuit, of New York, dated New York, November 9th, 1864, found in Executive Document No. 260, pages 120 to 121. [See Ex. Doc. No 260, heretofore set out.]

The ARBITRATOR stated that these papers would be received by him, subject to such objection as Counsel might raise.

Mr. MERRIMAN. In presenting these papers to your Honor, I would like to know whether they are to be received as evidence. I understand that the Arbitrator has been selected by the two Governments to examine the papers on file in the Department of State, and such other papers as might be submitted to him, to satisfy his mind as to the matter in dispute.

The ARBITRATOR. I do not propose, in the discharge of what I regard as my duty, to be strict in the exclusion of evi-

dence, but I do propose to hold parties to something like an approximation to what would be regarded in all judicial systems as reliable; that is, something on which the mind might rest with satisfaction. I do not forget that this is a very old transaction, and it is not strange if a great deal of the evidence should have been lost. I do not mean to enforce the technical rules of evidence, but as at present advised I cannot see that an affidavit of the kind you have read is evidence.

Mr. BOUTWELL. I submit to your Honor, first, that according to the rules laid down here, the obligation which your Honor has assumed is that all questions submitted should be decided according to the rules of international law existing at the time of the transaction complained of. So far as I am advised, there never was an arbitration between nations involving questions of damage or indemnity when it was not required that the claim should be supported by depositions or oral testimony taken in the ordinary way.

The ARBITRATOR. That is at present my impression, but at the same time I do not propose to decide these questions in advance.

Mr. ELDREDGE. It seems to me that the matter which has been referred to your Honor is, in the first place, the record which has been made between these two nations. The observations and considerations of both sides are now made a part of this record. This Protocol which has been entered into between the two Governments requires your Honor to examine and consider the records which the Governments have made between themselves, and as far as that is made up and observed upon by the two nations, so far it becomes the duty of your Honor to consider the record, and you are to act upon it accordingly.

The ARBITRATOR. Are *ex-parte* affidavits part of the record?

Mr. ELDREDGE. Both Governments have acted upon them, and considered them in the light of all the facts in the case. The reply of the representative of Hayti to our Secretary of State contemplates this record as made up, and it is upon that that the arbitration was based.

The ARBITRATOR. Am I at liberty to consider the statement of Mr. Hubbard, as reported to his Government, as evidence in this case?

Mr. ELDREDGE. I think you are to take that for what it is worth.

The ARBITRATOR. I will allow Counsel to argue this question *in extenso* hereafter; I will not decide it now.

The Commission then adjourned to Tuesday, December 2, 1884.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *December* 2, 1884.

Pursuant to adjournment, the Commission met to-day at 10 o'clock A. M.

Present:

Hon. WILLIAM STRONG, Arbitrator:

The SOLICITOR-GENERAL, Messrs. JACKSON, ELDREDGE, CASON, and STANTON, Counsel for the claimant, and Messrs. DE CHAMBRUN and BOUTWELL, Counsel for the Republic of Hayti.

The SOLICITOR-GENERAL. If your Honor please, after you shall have read the papers already submitted to you in this case, we understand that under the provisions of the Protocol you are to propose to the respective Governments what evidence you may require in order to settle the controversy before you. You have, no doubt, very gravely considered the language of the Protocol, which provided that you shall receive and examine all papers which may be presented to you, viz:

"Said Arbitrator shall receive and examine all papers and evidence relating to said claims which may be presented to him on behalf of either Government. If in the presence of such papers and evidence so laid before him, the said Arbitrator shall request further evidence, whether documentary or by tes-

timony given under oath before him, or before any person duly commissioned to that end, the two Governments, or either of them, engage to procure and furnish such further evidence by all means within their power, and all pertinent papers on file with either Government shall be accessible to the said Arbitrator."

We suppose, in view of that language, that the initiative will rest upon the Arbitrator, and in consideration of the general interest of our client we are to take instructions from your Honor as to what is necessary.

All the evidence which may be presented to either Government in the light of this Protocol undoubtedly is competent. How far it is credible is for your Honor to determine.

The ARBITRATOR. Am I to understand that it is not desired at present on behalf of Mr. Pelletier to offer to me anything more than is already on file?

The SOLICITOR-GENERAL. We submit that that is the scheme of this Commission.

The ARBITRATOR. If either side desires me to go on and examine this case, and then to point out what testimony or evidence appears in these papers that I may think ought to be submitted, it will undoubtedly delay the proceeding. There is evidence on several points that I certainly should require.

The SOLICITOR-GENERAL. Would it not accelerate the work of the Commission for the Arbitrator to indicate what additional evidence he requires to pass upon this question?

Mr. BOUTWELL. I do not know, your Honor, that we should object to that course, if it is thought to be the wise one. But I do not see, under the circumstances of this case, as far as they have been developed, nor do I discover from the observations made by the Solicitor-General, any reason why this claimant should depart from the ordinary course, not only in courts of justice in civilized countries, but also from the course that is pursued, as far as I know, in all international commissions. The party moving should state and prove the facts on which he relies to support his claim. I cannot imagine that the Counsel

who are sitting around this table, representing this claimant, are in any doubt as to what they are required to prove. This case has been in existence twenty years. It is familiar to the claimant and his counsel, and Captain Pelletier is not an incapable man, whatever else he may be. He has knowledge of all the facts, and he has learned counsel who can advise him.

The SOLICITOR-GENERAL. Ought not we to follow the organic law of this Commission?

Mr. BOUTWELL. The organic law will be followed when the case of the claimant is put in in the ordinary way. Then, if the Arbitrator thinks that there is some point on which more evidence is necessary, the occasion will arise for him to exercise the power given to him by this Protocol, and he will then call for additional testimony. This is a matter for the Arbitrator when the time arrives, but I think we are all a little in the dark now as to what the proofs in this case are to be. Four or five papers have been filed, some evidently of value, but a great part of this material no doubt, under the ordinary rules of evidence, must be excluded. I think that the claimant should be required to show his hand, and not be allowed to wait to be instructed by the Court as to what he is expected to prove.

Mr. DE CHAMBRUN. This is just like any suit in a court of equity. The complainant must put in his proof, and then we shall rebut it. How can the Arbitrator direct what proof must be taken until he sees the case presented by the claimant?

The SOLICITOR-GENERAL. This is placing the case upon a very narrow ground. This proceeding before your Honor is an extraordinary one, and there is no safety, it seems to me, in prosecuting it unless we pursue it under the law laid down by the two Governments themselves. They have said that "the Arbitrator shall receive and examine all the papers and evidence relating to said claim which may be presented to him on behalf of either Government." If "in the presence of such papers in evidence so laid before him the Arbitrator shall request further evidence" he is empowered to do so, and the two Governments engage to furnish it.

The ARBITRATOR. Undoubtedly that is the order so far as it is prescribed by the Protocol; but the Protocol does not declare that he shall give any force to those papers as matters of evidence. He may receive them as the statement of the plaintiff's case.

The SOLICITOR-GENERAL. That is all.

The ARBITRATOR. What effect these papers shall have is a matter I must consider hereafter.

The SOLICITOR-GENERAL. This case, as it rests upon the evidence adduced by the Governments, your Honor is to examine and say what further testimony is needed. But your Honor could not dismiss the case if the papers furnished did not satisfy you. It would become the duty of the Arbitrator to call for additional evidence.

The ARBITRATOR. Suppose you go on and submit all these papers, and I come to the conclusion that they are not satisfactory to me, and I must have further evidence upon the points to which these papers allude. Then you ask for a commission, and a commission is granted. Why you will readily perceive that it could not be executed at the outside in less than thirty days, and then you have this matter dragging along two or three months. Now, the main object I have in view is to rather encourage you to take the testimony which you know I shall ask.

The SOLICITOR-GENERAL. I have not had an opportunity to consult the counsel for the claimant, but I would not object at all to your Honor giving direction as to any evidence which you think you require after the perusal of the papers, such as you have made.

The ARBITRATOR. But your objection is to any general instruction as to the taking of testimony without its being called for specially by me.

The SOLICITOR-GENERAL. Yes, sir; I so understand it.

Mr. JACKSON. At our last meeting I entertained, without having read the Protocol, the views expressed by Judge Phillips. My own opinion was that this was very different from

an ordinary arbitration. This correspondence between the two Governments has been going on for, I believe, twenty years, and it was interrupted in various ways by our civil war, and various difficulties, till finally the authorities reached that point where the United States demanded that the Republic of Hayti should indemnify Pelletier. A great Government like this, with distinguished men and lawyers at the head of the Department of State, who had this matter in charge, would not, upon slight grounds, demand of another government that it should do justice in a case like this. There must, therefore, be in this case facts already presented between the two Governments upon which Mr. Evarts, for instance, demanded either satisfaction by arbitration or war, as I understand it. There could not be anything else; and the minister at Hayti, representing that Government, claimed in his response that it was a menace.

This case has been forming during this long period of twenty years. The Secretary of State, in entering into this Protocol, understood the case in the light of the correspondence. It was the intention of both parties that it should be heard by your Honor upon the terms and in the manner described by this agreement.

It seems to me that it will facilitate very much the proceedings in this case if your Honor, after a perusal of all the evidence and papers which have been submitted by the two Governments, shall say that there is some particular thing that you desire further evidence upon. Your Honor will give direction for that evidence, and the two Governments have stipulated that they will, if it was in their power, procure the evidence. It may be by commission or by oral testimony taken before you.

That was the very object of this Protocol. This case was known as one of long standing. A great mass of evidence has been put in. I call it evidence, because, as I said before, the distinguished gentlemen and lawyers who have presided over the Department of State, and who considered this case on the

part of the United States, otherwise would never have demanded of the Republic of Hayti that it should indemnify Mr. Pelletier by submitting to arbitration. The word is, if I recollect it, of Mr. Evarts to Mr. Langston, "require."

The ARBITRATOR. Do you contend that Mr. Evarts' action could change the rules of evidence and require me to receive as evidence and give weight to anything as evidence which is not evidence in a court of law, or in the purview of international law? Could that paper say that I should give weight to a paper which is not evidence at all?

Mr. ELDREDGE. No, sir; we do not claim that. But I claim this, and I don't think it is altogether impertinent to the inquiry, that a despatch or letter written by Mr. Evarts and responded to by the Haytien Government becomes evidence in this case.

The ARBITRATOR. What I ask you is whether, in your judgment, I ought to receive, for instance, Mr. Hubbard's statements?

Mr. ELDREDGE. I think they must be received for what they are worth. I think this whole case must be considered, and if after consideration you find anything lacking you will direct it to be called for. There was a time in the course of these negotiations that the Haytien Government stood upon two points only, and it so appears in a letter of one of their ministers: (1) that Pelletier was not naturalized as an American citizen, and (2) that Pelletier was guilty of piracy under the rules of international law, because he had in a case of distress raised the French flag. It is for you to consider whether the admission upon that point in their negotiation is not conclusive.

The ARBITRATOR. There are several matters beyond that that bear on this subject of piracy. It may be well for you to look into it, as I may call for an explanation.

Mr. BOUTWELL. I think, your Honor, that my friend from Wisconsin will not claim that the act of a Secretary of State of the United States is to settle this case.

Mr. ELDREDGE. I do not contend for any such thing as that. I put the point in this way: that there is some evidence in the fact that this case had progressed to the point it had.

The ARBITRATOR. There is no doubt of that. These papers convey evidence entirely satisfactory to me on some points. I think it is hardly worth while to debate this matter further. For the present, let me say that I shall call upon Mr. Pelletier to produce evidence that does not appear in these papers satisfactory to me, and when he has produced that evidence it is altogether probable that I shall call upon the opposite party to produce evidence to meet the evidence on the other side. But I apprehend great delay in that form of proceeding, and the case must be finished within a year from the time the Protocol was entered into. Suppose I indicate points upon which I require proofs at this moment; when those proofs are submitted they would show me that I need evidence beyond that, or on other points growing out of those proofs. So that there might be commission after commission. That is a great difficulty, and what I have been afraid of all along.

Mr. JACKSON. It strikes me that the Arbitrator is the one who should examine the witnesses, and he has the power to issue a commission.

The ARBITRATOR. I have no objection to issuing a commission to any person in Hayti, but I am not informed of the person to whom the commission should be sent.

Mr. BOUTWELL. At this point I would like to say that I think we are entitled to know the papers that are submitted to your Honor.

The ARBITRATOR. I shall insist that you shall know what papers are submitted to me. I do not believe the Protocol intended any such mode of procedure as would close the eyes of one party to the evidence submitted.

I would like to say here that, as I understand it, I am to give that weight to the paper submitted to me which I may consider proper. There are many papers here which I have no

hesitation in saying are no evidence whatever. They aid, perhaps, in getting at a history of the case, and will make the case more intelligible to me; but as bearing upon the controversy they have no weight whatever on my mind. I do not undertake to say which papers they are, but I do not see why I am not at liberty to look at all the papers which are submitted.

Mr. ELDREDGE. I think it is almost a requirement.

The ARBITRATOR. It is probably best that I should know all I can know: but when I come to decide the questions between the parties I shall endeavor to decide them on what I believe in common sense, and in the light of municipal and international law, to be evidence.

The SOLICITOR-GENERAL. The fundamental principles of evidence, of course, accompany your Honor in your inquiries. I mean such as belong to all nations.

The Commission at this point adjourned until Dec. 8th, 1884, at 10 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STASES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *December 8th*, 1884.

Pursuant to adjournment, the Commission met to-day at 10 o'clock A. M.

Present:

Honorable WILLIAM STRONG, Arbitrator:

Messrs. JACKSON, ELDREDGE, CASON, and STANTON, Counsel for the claimant, and Messrs. DE CHAMBRUN and BOUTWELL, Counsel for the Republic of Hayti.

The ARBITRATOR. I have once or twice stated that I would indicate some additional evidence which I wanted. After looking over all the papers in my possession and what I could obtain from the files of the State Department, I do not feel disposed at this time to indicate what evidence I desire beyond the papers before me. I am not disposed, after reflection, to hold parties in interest to the technical rules of common law evidence. I do not think that they are adapted to the circumstances in this case. Whatever satisfies my mind, making all allowances for the time that has elapsed since the transaction—whatever satisfies my mind as to the actual facts, I should feel disposed to act upon. I may say now, however, that I would like to have some evidence, though I do not in-

sist that it shall be produced, concerning the single witness who claims to have been in the employ of Delaunay, Rice & Co. He filed an *ex-parte* affidavit, stating what money Captain Pelletier took on board the ship. I am not satisfied with that affidavit. If the man is living, I wish him to be produced and subjected to cross-examination.

Mr. MERRIMAN. I have inquired of Captain Pelletier about that, and he says that the last time he saw him was in 1864, on his way to France, and since then he has not heard of him.

The ARBITRATOR. If he can be found he ought to be produced. I think the public officers of the Government of Hayti must be able to show what amount passed into the treasury from the seizure, I mean the condemnation of the bark and cargo. There must be somewhere a statement of the amount the treasury received, and I think that should be produced. I do not propose to indicate any farther what evidence I need at present. I must leave the parties to make out their case.

Mr. JACKSON. This man your Honor speaks of was a clerk of the firm at New Orleans.

The ARBITRATOR. Yes, sir; that is the man. His affidavit on that point is extremely loose, it strikes me. Gentlemen, you must meet this state of things. So far as the manifest and clearance from Mobile exhibit anything, they do not show any necessity for taking a considerable amount of money on board.

Mr. ELDREDGE. He was making purchases.

The ARBITRATOR. It must be conceded that the voyage was a very mysterious one, and needs explanation.

Mr. ELDREDGE. Your honor suggested that the Haytien Government produce evidence of the amount of money covered into the treasury. I think they ought to produce evidence of the amount which the sales realized.

The ARBITRATOR. They very probably can, but I do not make the demand now.

Mr. DE CHAMBRUN. Since the counsel on the other side are anxious that the Government of Hayti should produce certain

papers, I would like to say that there is not a paper on oath by Pelletier in this whole record. He is nowhere sworn to anything. He has filed several memorials which your Honor has read, but there is not a single one to which he has sworn.

Mr. BOUTWELL. I would like to say to your Honor that so far as the Government of Hayti is concerned, we will take the responsibility of presenting our side of the case upon such theory as we deem proper; and there are some points on which your Honor has not suggested that further evidence is needed which we intended to traverse.

The ARBITRATOR. You are at perfect liberty to do that. I would like to observe here that the first arrest of this vessel was not by the Haytien Government, but by the French consul, whose flag had been violated.

Mr. ELDREDGE. In the first arrest, if your Honor please, they proceeded to consider the case, and the President of the Haytien Government tried to arrive at an agreement as to the compensation that should be given Captain Pelletier. This was the first arrest that I refer to.

Mr. DE CHAMBRUN. There is no evidence that the arrest was made by the Haytien Government.

The SOLICITOR-GENERAL. There is a difference between the action of a mob and the actions of persons who had the functions of the Government. If we can trace the money into their hands that is sufficient.

The ARBITRATOR. Well, we will not argue the case at present.

The SOLICITOR-GENERAL. Before we adjourn I would like to suggest that if there be any considerable interval in the sessions of this Commission in the Pelletier case, that the case of Lazare might be taken up.

Mr. DE CHAMBRUN. In the Lazare case we are ready.

The ARBITRATOR. Well, I will not make any order in that case at present.

The Commission then adjourned to Tuesday, December, 16th, 1884, at 10 o'clock, A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against the Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *Dec.* 16*th*, 1884.

Pursuant to adjournment, the Commission met at 10 o'clock A. M.

Present:

Hon. WILLIAM STRONG, the Arbitrator.

Hon. SAMUEL F. PHILLIPS, Solicitor-General of the United States.

A. H. JACKSON, Esq., A. L. MERRIMAN, Esq., Hon. C. A. ELDREDGE, T. J. CASON, Esq., and Hon. F. P. STANTON, Counsel on behalf of claimant.

Marquis CHAS. A. DE CHAMBRUN and Hon. GEORGE S. BOUTWELL, Counsel on behalf of the Republic of Hayti.

The ARBITRATOR. I have examined all the papers submitted to me, and I have nothing to add at this time further than what I said last week. I leave the case to the conduct of the counsel on both sides.

Mr. JACKSON. Mr. Arbitrator, as we understand this matter the Government of the United States made up and presented a *prima facie* case, especially as to the matters conceded in the protocol. Further evidence that your Honor might call we contend should come up by way of rebuttal, and the evi-

dence which we propose to offer this morning should be accepted and considered as testimony in rebuttal.

The ARBITRATOR. I do not so understand it. If you are willing to rest upon the papers that are in this Department on file, and which have been presented to me without further evidence, that is one thing. Then the question will recur whether the Government of Hayti also chooses to stand on those papers without any further evidence. If so, very well. I have no opinion to express at present as to any part of the case. I have not formed any definite opinion. It occurs to me that you should present, in the first place, all of the case which you propose to submit to the arbitrator.

Mr. JACKSON. We will, then, if your Honor please, call some of our witnesses.

WILLIAM M. RETTIG,

a witness called on behalf of the claimant, after being duly sworn, testified as follows:

Examined by Mr. CASON:

Question. What is your full name?

Answer. William M. Rettig.

Q. Where do you reside?

A. New York.

Q. What is your occupation?

A. Going to sea.

Q. What position do you now hold at sea?

A. I am captain of a steamship.

Q. What steamship?

A. I will take charge of the steamship "City of Washington;" I left the "Alexandria" last Saturday.

Q. Are you acquainted with Captain Pelletier?

A. Yes, sir.

Q. When did you make his acquaintance first?

A. In 1860.

Q. Where?

A. At Key West, Florida.

Q. Do you know the bark "William?"

A. Yes, sir.

Q. Where did you first see that vessel?

A. At Key West, Florida.

Q. Do you know in what way that vessel came into Key West?

A. She came there as a prize; taken as a slaver.

Q. Did you see it before or after it was sold by the marshal, if it was sold at all?

A. I saw her before she was sold.

Q. How long?

A. I do not know that I could answer that?

Q. As near as you can?

A. I was then running between Tortugas and Key West.

Q. How long did the vessel remain at Key West after you first saw her?

A. I think two months; though I will not be positive about that.

Q. Were you on board the vessel as sailor?

A. Yes, sir.

Q. Before the mast?

A. Yes, sir, for probably five or six or seven days; I was on board of her from Key West to Mobile as a seaman.

Q. Describe the condition of the vessel when you first saw her; whether she had a slave-deck or not?

A. The vessel was in stone-ballast.

The Arbitrator. Mr. Cason, let me inquire. He said he was a sailor between six and seven days, going from Key West to Mobile. Was that before or after the sale?

The Witness. That was after the sale.

The Arbitrator. That is my suggestion. I will not guide the examination.

Q. Were you present at that sale?

A. No, sir.

Q. Were you on board of her any time, except in going from Key West to Mobile?

A. I was never on board of her, except then.

Q. Then that is your only acquaintance with the vessel?

A. Yes, sir.

Q. Give some description of the vessel, as to what kind of vessel she was, the number of masts, &c.

A. She was bark-rigged, with three masts; a vessel of about three hundred tons, as near as I can judge; she was what we would call an old-fashioned vessel.

Q. When you first saw her what was her value in the market at Key West?

A. At the rate, I should judge, of about ten, twelve, or fifteen thousand dollars; it is very hard to state.

Q. You have not stated whether she had a slave-deck.

A. There was nothing in the holds, except stone ballast and six or eight water-casks.

Q. Were any repairs made on the vessel?

A. No, sir; not then.

Q. When did you leave her?

A. The same day she arrived at the wharf.

Q. Did you ever see her after that?

A. No, sir.

Q. Who was the owner of the vessel?

Mr. Boutwell. You cannot prove ownership in that way.

Q. Who was in possession of her?

A. To my knowledge, Captain Pelletier.

Q. Who was master of the vessel and in command from Key West to Mobile?

A. Captain Pelletier.

Q. What number of crew did you have in that passage?

A. I think there was eight sailors, but I will not be certain; eight seamen, two mates, the captain and cook, and so on.

Q. What was your age then?

A. I was twenty-two years of age; I was born in 1838.

Q. Give a little more of a description of the vessel, as to her condition, &c.

A. Her condition was as usual with vessels seven, eight, or nine years of age.

Q. Was she in good repair?

A. She was in middling repair; she was seaworthy, because we had a gale of wind between Key West and Mobile, a norther, in the fall of the year.

Q. You can state whether that gale was severe?

A. It was what we call a middling gale.

Q. What would such a vessel as that be probably worth, if new?

Mr. Boutwell. Let us have some information as to his means of judging if you wish to put him on as an expert.

The Arbitrator. The question may be put as it is.

The Witness. Probably thirty-five thousand dollars.

The Arbitrator. If new?

The Witness. Yes, sir; probably forty thousand dollars.

Q. What line of steamships do those vessels belong to that you spoke of?

A. Mr. Alexander & Sons, running through Havana to Mexico.

Q. How long have you been upon the sea?

A. Since 1854; I have been in this present employ twelve years, three years as captain and nine as first officer; but I have not very much to do with the value of ships; I have superintended the building of some of the steamers, but I do not know what they cost.

Q. Have you been a seaman since 1854?

A. Yes, sir; about thirty years.

Q. What is the tonnage of those steamers?

A. Sixteen hundred tons net; twenty-two hundred gross; they were built by John Roach & Son.

Q. When you went aboard the bark "William" did you notice any place where a deck had been taken away from the vessel?

A. There was no deck in her; there was no slave-deck or anything of that kind there.

Q. Was there any evidence of any having been there? Just

describe to the arbitrator, if you can, what evidence, if there was any, of there having been a slave-deck on the vessel.

A. I do not know that I could say that; I do not know that I took any notice of that.

Q. State what you mean by a "slave-deck?"

A. A vessel has no 'tween decks; no small vessel has. If they needed it, they would have to build a temporary deck, and under that they have to put ballast and water-casks and provisions, and such; that is, if they have that deck for slaves. Of course a vessel with regular 'tween decks would not have to have that deck. That is the meaning of a slave-deck on board a small vessel.

Q. Have you ever seen a slave vessel?

A. Yes, sir; I have seen them come in at Key West, and I was on board a French bark that came in about the same time as the "William."

Q. In what particular did this vessel differ from those you saw?

A. There is no difference except where they have that deck and water-casks, which would lead you to think they were slavers. If she carried emigrants she would have to have a deck like a temporary floor in a room of this kind; but the bark "William" did not have one when I was on board of her.

Cross-examined by Marquis DE CHAMBRUN:

Q. What is your age?

A. I am forty-six, going on forty-seven; I was born in 1838.

Q. What was your age when you went to sea for the first time?

A. I was born in 1838; from that to 1854, that would make me sixteen years of age.

Q. Were you an apprentice?

A. I went to sea as a boy.

Q. When you examined the bark "William" what was your age?

A. About twenty-two.

Q. Did you see her prior to the sale at Key West?

A. No, sir; and I did not see the sale.

Q. Who invited you to visit the bark "William" after the sale was had?

A. The shipping-master; I shipped in her as a sailor.

The ARBITRATOR. Before the voyage to Mobile?

The WITNESS. Yes, sir.

Q. Then you left her at Mobile?

A. Yes, sir.

Q. You say that she was about three hundred tons?

A. That is my judgment by looking at her.

Q. On what basis do you conclude she was about three hundred tons?

A. By looking at the size.

Q. Do you think that she was above three hundred tons or under?

A. I do not think she was over that net, but gross I think she was more.

Q. The gross tonnage, in your judgment, might have been how much?

A. About three hundred and fifty tons, and probably the net was two hundred and fifty tons; it is very hard to state; it is like looking at the weight of a man; you cannot tell.

Q. Suppose you had come across her on the ocean, you being on board another schooner, what would you think was the size of her tonnage?

A. If we were speaking at sea, I should say she was from three hundred to four hundred tons.

Q. You would not have been surprised if she had been four hundred tons?

A. No, sir.

The ARBITRATOR. Then you estimate the value of the ship as founded upon what you suppose her tonnage was?

The WITNESS. Yes, sir.

THOMAS T. COLLAR,

a witness called on behalf of the claimant, being first duly sworn, testified as follows:

Examined by Mr. Cason:

Question. Where do you reside now?

Answer. In Mishuaka, in the State of Indiana.

Q. Where were you born?

A. I was born in Epping, England, in the county of Essex.

Q. How old were you when you left England?

A. I sailed out of England seven years before I came to the United States; my father left me in England when I was a little boy.

Q. At what age did you go upon the sea?

A. At fourteen.

Q. You sailed out of London for seven years?

A. Yes, sir; from London.

Q. Where did you go then?

A. To the island of Jamaica?

Q. How long was that before you came to the United States?

A. I arrived in New York in the fall of 1847, the latter part of October; I went to Jamaica in January, 1842, from London; that was my first voyage; then I made a second voyage in 1842, and part of 1843, to Jamaica; then I was exchanged to another vessel in the same employ, in the East India trade, to Calcutta; and then from Calcutta I went back to London; in 1844 I went to Calcutta, and in 1845 I went to Calcutta again; in 1846 I went back to Ackyab on the Moulmain, in the bay of Bengal; in the fall of 1847 I left for New York on account of my sister; I had not seen her since we were children together, and she was not expected to live: she died about three weeks before I arrived in New York.

Q. You arrived in New York in the fall of 1847?

A. Yes, sir; then I remained at home with my brother and sister until 1858.

Q. At what place was that?

A. In Cooperstown, Oswego county, N. Y.

Q. Then from 1847 to 1858 you were not on the sea?

A. Not until 1858 again.

Q. What time in 1858 did you go to sea?

A. I left Cooperstown about the middle of February, 1858, with Lieutenant Randolph.

Q. How soon did you get to the sea?

A. I left Cooperstown and went to New York, and from New York I went to Baltimore, and from Baltimore to Norfolk, Virginia, to join the vessel there.

Q. What vessel?

A. The "John Appleton," a revenue cutter.

Q. Did you join it?

A. I engaged with Randolph at Cooperstown, New York.

Q. What position did you occupy?

A. Boatswain on board the revenue cutter; I was in the service of the United States from 1858 to 1860; my term of service expired in 1860?

Q. What time in 1860?

A. In the month of July.

Q. Then you were two years in the revenue service?

A. Yes, sir; from February, 1858; it was a little over two years.

Q. What did you do then?

A. After my term of service expired I left the vessel at Key West, and Lieutenant Randolph came on to Cooperstown, New York, to see his father-in-law, Mr. Turner.

Q. When did you go upon the sea again?

A. I think it was in the month of August that I joined the barque "William" at Key West, Florida, after I left the revenue cutter.

Q. Where did you first see the barque "William?"

A. At Key West.

Q. What condition was she in then?

A. She was seized on the coast of Cuba as a slaver, and

brought into the island of Key West; I saw her brought in, and there was a French barque brought in, and also a brig within a short time of each other, and the slaves were landed in the island of Key West; they remained there two months, as well as I can remember.

Q. How long was it after she was brought in before she was sold by the marshal?

A. She laid there some time before she was sold.

Q. About how long, as near as you can tell?

A. Possibly two months, as near as I can recollect.

Q. State the time when she was brought in?

A. Well, I don't remember, exactly; possibly it was in the latter part of May, or the beginning of June.

Q. Is that your best judgment?

A. Yes, sir; that is the best of my knowledge.

Q. And you think she remained there about two months before she was put up by the marshal for sale?

A. Yes, sir; I think so.

Q. Were you present at the time it was sold?

A. I was not present at the sale, but I was at Key West.

Q. Do you remember it as a fact that she was sold?

A. Yes, sir; it was sold at public auction by the United States marshal.

Q. Do you remember that as having occurred at Key West?

A. Yes, sir.

The Arbitrator. Of course that must be hearsay; he was not present at the sale.

Mr. Cason. What time did you enlist on the barque "William?"

A. In the month of August.

Q. Who was in possession of her at that time?

A. Captain Pelletier.

Q. How long had he been in possession of her before you enlisted?

A. It was only a few days before I enlisted at Key West.

Q. In what capacity did you enlist?

A. As second mate.

Q. How long did she remain at Key West after you enlisted?

A. She did not remain in Key West over three days.

Q. What was her condition at the time you enlisted?

A. She was in middling good condition, considering the circumstances she went through; she was in ballast, a kind of clay-stone ballast.

Q. Was there any slave-deck on her?

A. No, sir; there was only her hold; there was no more of a slave-deck than there is in this room.

Q. What was her value in the market there at the time this sale occurred; that is, when you went aboard of her?

A. After Captain Pelletier got possession of her?

Q. Yes, sir.

A. Well, at actual sale she would bring, I think, twelve or fifteen or twenty thousand dollars, as near as I can give an idea.

Q. What was the number of the crew taken on board at Key West?

A. There were eight seamen.

Q. Where did you go from Key West?

A. To Mobile.

The Arbitrator. You do not mean eight altogether?

A. O, no; there were eight seamen, with a cook, steward, mate, and captain; there were four on each watch; that is a small crew for a vessel of that tonnage.

Mr. Cason. What date did you leave Key West for Mobile?

A. I think it was in the latter part of August.

Q. Refresh your memory and see whether it was not later?

A. It was in the latter part of August or the beginning of October, one of those two months, as near as I can remember now.

Q. Were you acquainted with Captain Rettig there?

A. Only when he came on board to ship to go to Mobile.

Q. That is your only acquaintance?

A. Yes, sir.

Q. Was he on board the vessel going from Key West to Mobile?

A. Yes, sir; from Key West to Mobile; I remember the name very well.

Q. What repairs, if any, were put on this vessel after you got to Mobile?

A. She went under a thorough overhauling when we arrived in Mobile; Captain Pelletier gave me instructions to superintend overhauling her while he was in New Orleans.

Q. What kind of a vessel was it?

A. Her name was the barque "William."

Q. What had been her name before that?

A. That was her original name—the "William;" that was the name she went by when she was brought into Key West.

Q. How many masts had she?

A. Three masts; she was bark-rigged.

Q. How long were you in the repairing of that vessel at Mobile?

A. We laid there from October till the beginning of November.

Q. Had you charge of all the repairs, or only part?

A. Of all the repairs.

Q. What was the value of the repairs put on the vessel at that time?

A. Several thousand dollars.

Q. About how many, if you know?

A. Ten or twelve thousand dollars; she underwent a thorough overhauling, as near as my judgment would allow it; she was recaulked, deck and hold put in order—everything all taut and ready for sea.

Q. Was there any painting?

A. Yes, sir; the cabin was thoroughly overhauled and new furniture put on board.

Q. What did you load with at Mobile?

A. Pitch pine lumber.

Q. Just describe it?

A. She was loaded with pitch pine lumber; the hold was hock full, and the deck was also loaded.

Q. After the hold was filled with lumber what did you hen do?

A. The hatches were put on and then we took on the deck oad.

Q. What amount of provisions was put on board?

A. Only, probably, three months' provisions for the voyage rom Mobile to Carthagena.

Q. What kind of furniture did the captain have, and such hings?

A. It was costly furniture—mahogany; there was some ilver-plate and chinaware and crockeryware.

Q. Do you know anything about the cost of those things?

A. No, sir; I can give no idea.

Q. Who superintended the loading of the vessel?

A. I did.

Q. At what time did you leave Mobile?

A. The latter part of October, sir, or the beginning of November; it was in the fall of the year, just before President incoln was elected.

Q. Who had the purchasing of the furniture, etc.?

A. Captain Pelletier purchased it, sir.

Q. Where did you sail from Mobile?

A. To Carthagena.

Q. Did you stop at any place from Mobile to Carthagena?

A. We made a direct course from Mobile to Carthagena.

Q. What do you know, if anything, in relation to taking oney, specie, or anything of the kind on board at Mobile?

A. Specie was taken on board at Mobile.

Q. State in what way it was taken on?

A. It was hoisted by tackle to the yard arm.

Q. What was it in?

A. It was in boxes, some of it.

Q. How large were the boxes?

A. About one and a half foot square.

Q. How many boxes were brought on board?

A. I do not know; the supercargo had charge of that.

Q. Who was the supercargo?

A. A young man by the name of Urbain Castay.

Q. Give your best judgment as to the number of boxes brought on board?

A. Well, sir, I can hardly do that, it is so long ago.

Q. Who brought them to the vessel to be loaded?

A. Rice, Delauny & Co., of New Orleans.

Q. Do you remember the particular individual that brought them?

A. One of the gentlemen was a heavy-set gentleman, about as heavy as Captain Rettig.

Q. Do you remember the name?

A. Mr. Roseau.

Q. Do you remember whether he was a member of the firm, or clerk, or what connection he had with the firm?

Mr. Boutwell. It is not shown that he has any knowledge of the existence of the firm. I object to the question.

Mr. Cason. Do you know anything about the firm?

A. Only what I heard—that Captain Pelletier had an interest in a firm in the cotton business in New Orleans.

Q. That was stated at that time?

A. Yes, sir.

Q. You do not remember the name of the party that brought this money on board?

A. No, sir; unless it was Roseau.

Q. Do you know who the firm were?

A. No, sir; they were in New Orleans, in Carondelet street, I understand.

Q. Were you ever there?

A. No, sir.

Q. Did the boxes have any marks on them—these boxes that you spoke of?

A. I think they were marked P.

Q. Were there any other marks on them?

A. Not that I remember.

Q. Do you remember meeting Captain Stubbs?

A. Yes, sir; very well.

Q. What were these boxes said to contain at that time?

A. Bullion, sir.

Q. Was there anything else on board besides these boxes?

A. Yes, sir; bullion and specie and gold dust.

Q. Did you take the gold dust on board at Mobile?

A. I think so, sir; because Captain Pelletier paid Captain Stubbs a pound package of gold dust and Stubbs paid the balance, one hundred dollars in American coin.

Q. When was that?

A. That was the time we were on the banks of the Cocos.

Q. Before or after you got to Carthagena?

A. After we left Carthagena.

Q. Do you remember whether the gold dust was brought on board at Carthagena or Mobile?

A. I know the gold dust was on board of the vessel.

Q. How long was it after you left Mobile that you landed at Carthagena?

A. I think, sir, it was the latter part of November?

Q. Did you stop anywhere on the route from Mobile to Carthagena?

A. No, sir; we made a direct course from Mobile to Carthagena.

Q. What was done with your load of lumber when you got to Carthagena?

A. The captain had traded there in former years; he had a great many friends there, and he thought he would have a ready sale for the lumber at Carthagena; but the government there was revolutionizing there at the time, and there was no sale, and the captain left the deck-load with the American consul to dispose of for him.

Q. What was done with the deck-load?

A. It was discharged and landed on shore.

Q. Who took charge of it on shore?

A. The American consul.

Q. Do you remember his name?

A. No, sir; I do not remember the name.

Q. Such name as Mathieus?

A. Mathieus; I think it was.

Q. Did you unload anything else except the deck-load of lumber?

(Mr. Boutwell objected to the question.)

The ARBITRATOR. I do not mean to be very rigid in ruling, but questions must be put and answers given in such way that I feel the answers are entitled to be regarded as persuasive, at least upon my mind. It is very evident that the witness has testified to a great many things of which he could have no personal knowledge.

Mr. ELDREDGE. If it is remembered that twenty-four years have elapsed, it seems to me that counsel should be allowed a little more latitude. At any rate, if it was generally understood at that time that these boxes contained gold dust, I think that would be good evidence.

The ARBITRATOR. Lapse of time does not change the rules of evidence. I have not checked the witness, however. The reputation as to what those boxes contained might be very good evidence at any time.

The WITNESS. We discharged the deck load of lumber, and left it in the American consul's hands to sell for Captain Pelletier. He could not have a ready sale for his lumber, and I think there was a few boxes of merchandise disposed of there. I forget the gentleman's name. I think it was Boden, or something of that kind.

Q. What else was done there, if anything?

A. When we got ready there was a passenger who came on board named Juan Cortez, and his wife and child and servant, and also a man by the name of Byner; this was at Carthagena; he came on board as a refugee; the country was in

revolution and he wanted to get away, and Captain Pelletier took pity on him and gave him his passage.

Q. In what way did Cortez and his family come on board?

A. In the boat.

Q. How?

A. As passengers; we calculated to go to Rio de Hache from Carthagena.

Q. What freight was put on board for them?

A. Soap, tobacco, corn, and matting.

Q. In what way was the gold dust taken on there, and what was exchanged for it?

The Arbitrator. If he knows.

A. I do not know anything about that transaction.

Q. Did you see any of it?

A. I saw it on board the vessel after it arrived.

Q. Did you see any kind of money on board the vessel received there?

A. Yes, sir; five-franc pieces and American double-eagles and some Spanish money.

Q. What was the character of that Spanish money?

A. I did not see the money myself; it was Spanish coin.

Q. I am asking you what you saw on the vessel; did you see the other money?

A. I saw part of it; that is, what Captain Pelletier exchanged for gold dust.

Q. About how much was there of it?

A. He had several packages; I cannot remember; there were several packages of gold dust.

Q. Did you see him get them or receive them?

A. They were put in his private cabin.

Q. Did you see the packages brought on board?

A. I saw the things that were brought on board, and the supercargo took charge of them; he was the captain's clerk.

Q. Do you remember how many packages?

A. I do not remember.

Q. About what size were they?

A. About that long; they were in bags about that size, [describing them as about three-quarters of a foot long and about one-half a foot through.]

Q. You do not remember the number?

A. No, sir.

Q. Could you give any idea of the number you saw?

A. There were several.

Q. Did you see any of the Spanish money?

A. I had no control of that; I saw several packages, and that is all.

Q. Did you see anything of the Spanish money?

A. I saw only a few dollars.

Q. Did you see it brought on board?

A. It was brought on board; it was brought on board in packages; of course, I did not see the specie, but it was money in packages.

Q. Give a description of the freight that Cortez brought on board, if any?

A. There were one hundred and twelve boxes of soap.

Q. What other articles?

A. There was corn, tobacco, and matting; these he brought on board to take to Rio de Hache, with himself, his wife, child, and servant.

Q. State whether you were present or not when the arrangement was made between Captain Pelletier and Cortez for his sailing?

A. He came on board of the vessel and took his passage to go to Rio de Hache.

Q. Were you present when they made the contract?

A. No, sir; not that contract.

Q. How was this property marked that Cortes brought on board?

A. It was marked "C."

Q. Who was in possession of that property when it was brought on board; who had possession and claimed control?

A. Cortez.

Q. Who was the reputed owner?

The ARBITRATOR. I do not think you can prove ownership in that way.

A. He claimed that he was the owner of it himself.

Q. Who took charge in putting this freight on board?

A. I took charge of it in stowing it away; I and the crew.

Q. Who represented the property?

A. Cortez.

Q. How long did you remain at Carthagena?

A. We remained there two or three weeks, I think; then we got under way for Rio de Hache.

Q. Give a description of that voyage?

A. We left Carthagena in the month of November for Rio de Hache; we had strong southeasterly winds and a strong current against us; we laid off of Carthagena three days, and could not make a mile to windward; so we came to anchor on account of its blowing very heavy, and at last we hove to and tried to make to windward again; Cortez became alarmed about his wife becoming sick; she was with child-birth, and he wished Captain Pelletier to make for the island of Jamaica, if he could.

Q. Did you hear that statement; you say that Cortez wished it; what conversation did you hear between Captain Pelletier and Cortez about that matter?

The ARBITRATOR. If he heard any?

A. I will state as well as I can on that question; the captain and Cortez had conversations in the cabin.

The ARBITRATOR. Were you present?

The WITNESS. Not at that time; the captain came to me and asked my advice as to what he should do; I said: "Captain, you are the master and owner, and you can do the best you choose; if you think you can make the island of Jamaica, and he has made arrangement to pay you for throwing you out of your voyage and course, you had better take it;" they then went into the cabin and drew up writings to that effect to the amount of five hundred dollars.

Q. Did you see the writings drawn up?

A. I signed my name to them as a witness.

Q. What conversation now did you hear between them; state just what you know yourself, not what you understood?

A. Everything was settled satisfactorily between Captain Pelletier and Cortez at that time, but we could not fetch the island of Jamaica, so we fetched the Grand Cayman at Georgetown.

Q. Did you steer for Jamaica?

A. Yes, sir; we did steer for Jamaica.

Q. How long were you trying to make Jamaica?

A. It was several days; then we had to give it up, and we arrived in Georgetown in the month of December.

Q. Did you hear any conversation between Pelletier and Cortez about landing at Georgetown; if so, state what that was?

A. They landed in Georgetown.

Q. I am talking about the conversation between Pelletier and Cortez, if there was any?

A. Captain Pelletier and Cortez went on shore together.

Q. Did you hear any talk between them before getting to Georgetown?

A. No, sir; not until we got to Georgetown, at Grand Cayman.

Q. Then what took place between them?

A. They went on shore there to the American consul.

Q. Did you go with them?

A. No, sir; I had to stay on board the vessel to take charge.

Q. What did you do with the vessel at Georgetown?

A. Captain Pelletier went on shore with Cortez to the American consul and entered the ship's papers to him, and they made arrangements——

The Arbitrator. Never mind that.

Mr. Cason. State what you know yourself, of your own knowledge.

The ARBITRATOR. Not what was told you by others, but what you saw yourself.

Q. Did you hear Cortez say anything about Captain Pelletier landing at Georgetown?

A. Captain Pelletier and Cortez landed there.

Q. What was said?

The ARBITRATOR. He has already said he did not hear anything before reaching Grand Cayman.

Q. Did Cortez say anything to you individually?

A. No, sir; not to me.

Q. After they came back what took place as to landing the freight, or anything of that kind; what was done on the vessel, and what transactions were had at Georgetown that you know personally?

A. Captain Pelletier and Cortez went on shore to the American consul, (Mr. Eden at that time,) and the captain took his papers to show that the vessel was all right, and Cortez did not have the money to pay Pelletier.

Q. How did you know that?

A. Cortez told him.

Q. Did you hear Cortez say anything about it?

A. That was before the American consul.

Q. Were you present?

A. I was not present before the consul, but I knew what took place with the cargo which he claimed as his own.

Q. Well, state it?

A. He transferred part of the cargo to Captain Pelletier, to the amount of five hundred dollars.

Q. Did anything take place as to unloading, and for whom was the unloading done; I am now speaking of Cortez' goods?

A. The goods were unloaded, and it was notified all over the island of Georgetown that there would be a public sale on board the vessel; public auction of those goods.

Q. State only what you know of your own knowledge?

A. I had knowledge about the unloading, because I had the superintending of that.

Q. How much of the goods were unloaded, and for whom were they unloaded?

A. For Mr. Eden.

Q. How much of the goods was unloaded there, of your own knowledge?

A. Half of them were unloaded, I presume; and they were damaged by salt water.

Q. What was done then?

A. The goods that were damaged would not realize the money that Pelletier expected they would.

Q. What became of the goods after they were partly unloaded; where were they unloaded; what were they unloaded on; I mean the first unloading?

Mr. Boutwell. I am very patient about this. But it does seem that this witness, being here as a person who had personal knowledge of what took place, should be required to state without questions which, if they are not leading, are suggestive of what the inquiry seeks. I do not wish to be particular. I am willing this man should tell all he knows and all he heard. I do not mean to say he is prompted, but I think the questions suggest what is sought.

The Arbitrator. I think the questions ought to leave the answers open, though I do not feel that under the circumstances I should restrict to the last degree the examination of the witness.

Q. What were the goods loaded on?

The Arbitrator. That is a fair question.

Mr. Jackson. Let him tell his story in the narrative style.

The Arbitrator. He must be confined to what he absolutely knows of his own knowledge.

Mr. Cason. Tell in your own way, Mr. Collar, from the time of your going to Georgetown, about these goods of Cortez?

A. Mr. Eden took part of the goods, and put them on board a schooner of his own.

The Arbitrator. Did you see them put on board?

A. Yes, sir; I was there; the other part we took around to Port-au-Prince from Georgetown; there the captain disposed of them.

The ARBITRATOR. Did Cortez leave the ship at Georgetown with his family?

A. Yes, sir; with Mr. Eden, and Mr. Eden sent him to Jamaica on a vessel of his own.

The ARBITRATOR. That you cannot know.

Mr. CASON. If anything else took place about those goods, tell what it was?

A. The balance of those goods we took to Port-au-Prince, and there the captain disposed of them.

Q. Was all this done with the consent and recognition of Cortez?

A. Yes, sir; and everything was settled amicably between Pelletier and Cortez at Georgetown, at the Grand Cayman.

Q. What did you hear Cortez say, if anything, about that matter?

A. When he bid Captain Pelletier good-bye they parted good friends, and shook hands like gentlemen would.

Q. Did you see that?

A. Yes, sir.

Q. What did Cortez say about those goods?

A. He told Captain Pelletier and Mr. Eden that he was the sole owner of these goods.

The ARBITRATOR. Did you hear him say that?

A. Yes, sir; I heard him say that.

The ARBITRATOR. That he, Cortez, was the owner?

A. Yes, sir.

Q. What do you know, if anything, about a protest before the consul upon the arrival of the vessel?

A. I signed a protest there, as I was mate of the vessel.

Q. What auction, if any, took place there in connection with the goods on this vessel?

A. The auction was advertised all over the island for soap, tobacco, corn, and matting.

Q. Whose goods were they?

(Objected to by the Marquis de Chambrun.)

The ARBITRATOR. It is a fair inference that they were the goods taken on board the vessel.

WITNESS. Cortez pretended that he was the sole owner of those goods.

Q. Were you present at that auction?

A. Yes, sir.

Q. Was Cortez present?

A. Yes, sir; he was.

Q. State what objection, if any, he made to that auction?

A. None, sir; he made no objection whatever, none whatever.

Q. What became of the goods after they were put up at auction?

A. They did not sell them; the auction was postponed on account of their not bringing a sufficient sum; then Mr. Eden bought them.

Q. At the time the goods were divided between Eden and Pelletier; now describe that matter in your own way?

The ARBITRATOR. That is too suggestive.

Mr. JACKSON. I would suggest the propriety of reading that protest signed by the officer of the ship at the Grand Cayman, and asking the witness whether that is the document he signed.

The ARBITRATOR. He has said he signed a protest.

Q. Tell what took place concerning those goods?

A. Then they were put on board a schooner owned by Mr. Eden, with Cortez, his wife, children, and servant.

Q. Were all put on that vessel?

A. Yes, sir; bound for Kingston, Jamaica.

Q. Were all of Cortez' goods put on this vessel?

A. All but those that were damaged.

Q. What became of the damaged goods?

A. He disposed of them the best way he could.

Q. Where were they disposed of?

A. At Port-au-Prince.

Q. When did you leave Georgetown?

A. The 24th day of December, 1860.

Q. What crew did you have on board when you left?

A. We had neither soldiers nor sailors; they were a lot of young fellows; not more than one or two of them amounted to anything.

The ARBITRATOR. Where were those men shipped—those sailors or boys?

WITNESS. I am before my story there; we had a good crew on board ship at that time.

The ARBITRATOR. Where did you ship the crew you had on board at Georgetown?

WITNESS. That crew we shipped in Mobile.

The ARBITRATOR. How many?

WITNESS. There were eight men in the crew.

Mr. CASON. Where did you sail to?

A. From Georgetown to Port-au-Prince.

Q. When did you arrive at Port-au-Prince?

A. In January, I think it was, some time.

Q. Did you leave Georgetown for Port-au-Prince?

A. Yes, sir; and the reason we left Georgetown on the 24th day of December, 1860, was this: the crew were riotous; they wanted to spend Christmas at Georgetown; they wanted to have a spree, and the captain did not want them to do so, and we got some men from Georgetown to get the ship under way on the 24th day of December, and put to sea; those men went on shore at Georgetown after we got under way; then we made right straight to Port-au-Prince; the men that Captain Pelletier hired were only to get the vessel under way; the crew were unruly; they would not get under way.

Q. Did the old crew go with you?

A. Yes, sir; around to Port-au-Prince.

Q. When you got to Port-au-Prince what was done there?

A. Captain Pelletier made arrangement with the Haytien Government to sell the lumber for building purposes.

Q. If there was any report of the papers to the consul or commercial agent, state what that was?

A. The ship's papers were entered before Mr. Lewis, the United States commercial agent

Q. Tell us about the unloading of your freight, if anything was done?

A. After the Government bought the cargo we went right to work and commenced discharging; we had partly discharged the cargo; almost half was discharged.

Q. What portion of the cargo was discharged?

A. That was the cargo we had left in the hold; the pitch-pine lumber.

Q. Was there any other freight on board except the lumber and damaged goods of Cortez?

A. Only the captain's private stores, sir.

Q. What goods, if any, were sold to the Government by Pelletier that were on board this vessel?

A. Oh, yes; there was a little powder sold.

Q. About how much?

A. Only two small kegs.

Q. How soon after you got into Port-au-Prince was that disposed of?

A. In a few days; I cannot give the exact number.

Q. Was there anything besides the powder that you remember?

A. There were some fire-arms sold, common Colt's revolvers, only eight in number.

Q. Who were they sold to?

A. Part of them was sold to a man named Figaro, at Port-au-Prince.

Q. After these were disposed of what was left on board?

A. There was not over half a pound of powder and a few shot cartridges for Pelletier's fowling-piece.

Q. What arms were there besides that fowling-piece?

A. I had a revolver of my own; that is all, sir, and one or two small Colt's revolvers.

Q. How soon after you landed there were the revolvers sold?

A. A few days afterwards, as well as I can remember.

Q. How about the discharge of the cargo?

A. After half of the cargo was discharged I went on board an American vessel, after supper, to visit the mate; I was acquainted with him.

Q. Where was Captain Pelletier?

A. He was on shore sick at the hotel.

Q. When did he go on shore sick; was it after arriving at Port-au-Prince?

A. In a couple of days after we arrived; I think that was the time; I went on board this American vessel to visit this American captain and the mate belonging to the ship called "The Bird of the Wave;" I did not return to my own vessel, the barque "William," until two or three o'clock in the morning; when I arrived on board the steward was on deck, and the interpreter of a steamer running between Cape Haytien and Port-au-Prince; I then found one of the crew, by the name of Pache, a Spaniard, with a knife about three feet long; I went to Pache and spoke to him; says I, "Pache, what are you doing with that knife?" he replied, "Me hungry; me want something to eat; me little drinky;" says I, "Pache, give me that knife; I will take care of it until morning; go with me; I will take you to your berth, and in the morning I will give you an eye-opener to cure your head;" he replied, "All right, Misser Collar;" after I got him to bed the steward told me what happened down in the hold.

Q. Describe it?

A. I took the lantern and went into the main hold, and about six or eight feet from the hatchway, I fell over a basket of champagne; a few feet further aft I came across a case of French brandy, broken open, and three or four bottles of pale ale; then I went further aft to the bulkhead of the store-room; there was the store-room broken into; I went into the store-room and examined it, and there I saw where this liquor had been taken out of; as I was passing a firkin of butter, I saw a

shoe in the firkin; I pulled the shoe out and looked at it; I then said, "Mr. Man, I have you;" that was the ship's carpenter; in the morning I notified Captain Pelletier of the transactions that had been committed, and Captain Pelletier instructed me to get two rafts ready by one o'clock, to be delivered on shore, and to send those five men that I thought perpetrated the deed ashore with the raft to discharge it, and I got the five men in the boat——

Q. To discharge what?

A. To discharge the lumber, the raft; I got the five men in the boat, and I told the carpenter, says I, "Carpenter, I want you to get on shore with that lumber and remeasure it; I think I have made a mistake;" and he swore at me and called me everything, and said he would see me in hell before he would go in that boat; I made for the pin rail, and I took an iron belaying pin and said, "Now you go in that boat or I will, one or the other;" he got on board the boat and I told them to shove off, and they landed the raft on shore, and when they arrived on shore, they were taken to the prison of Port-au-Prince and were put in jail.

Q. Give the names of those parties, if you remember, and state how many there were?

A. There were six of them, I believe.

Q. Do you remember their names?

A. No, sir; it was so long ago.

Q. Do you remember any of them?

A. I do not remember the names now.

Q. Do you remember any of the names?

A. No, sir; it was so many years ago.

Q. You spoke about the carpenter; was he one of them?

A. Yes, sir; he was the man; I found out by his shoe being in the firkin of butter, which he stepped into in the dark.

Q. Do you know the carpenter's name?

A. No, sir; he was an Italian; he was shipped in Mobile.

Q. What took place when they went to prison; describe the occurrences there at Port-au-Prince?

A. After they were taken to Port-au-Prince they made an accusation to the Government of Hayti.

The ARBITRATOR. Never mind that, unless you know it yourself.

WITNESS. I was not present.

Mr. CASON. Tell what took place on the ship; what you know of your own knowledge?

A. Then there was a posse of about thirty men, with General Carrie at the head.

Q. What took place with them?

A. They came on board.

Q. At what time of day?

A. It was in the evening, between dusk and dark, as near as I can remember.

Q. What was done when they came on board?

A. They came on board and took charge of the vessel, and I asked them by what authority they did it; they told me "the authority from their Government;" I went on shore and notified Captain Pelletier of the proceedings, and Pelletier came on board and asked the commander of the gang by what authority he came on board in the way he did to take possession of the bark "William;" he said "by the authority of his Government;" Captain Pelletier asked him if he had any authority from the United States consular agent, and he said no; Captain Pelletier told him then to abandon his vessel, because he had no right on his vessel in that way.

Q. What took place then?

A. Then Pelletier gave me instructions that if they came on board——

Q. Did they go away then?

A. Yes, sir; they went on shore again; myself and others of the crew were on board the vessel; they came on board about midnight, and as soon as I saw them coming I went and got the American flag and spread it on the gangway ladder,

and told General Carrie that I forbid him from coming on board or trampling on the American flag; and the remark he made, says he, "S—t on the American flag; you Americans are nothing but a set of pirates, thieves, and rascals;" and on board he came and trampled on the American flag.

Q. Going back to the first crowd that came on board; how were they as to sobriety?

A. They were riotous when they came on board.

Q. Were they intoxicated or not?

A. Some of them were intoxicated.

Q. What did they do?

A. They were going to kill me if they could get me.

Q. What did they say?

A. They spoke the Creole French; I did not understand the French; I had an interpreter.

Q. Did you have an interpreter on board the vessel?

A. No, sir; no interpreter then.

Q. What was their conduct as to noise?

A. They were uproarious; they were going to do this, that, and the other.

Q. One Carrie spoke to you about the flag; was that in English or not?

A. He spoke in English; he said: "S—t on your American flag."

Q. How many of this crowd were there that first came on board?

A. About thirty the first time.

Q. The second time about how many?

A. Between three hundred and four hundred.

Q. What was their condition as to sobriety?

A. They commenced to be boisterous as soon as they came on board; I called the balance of the ship's crew, and lowered away my starboard-quarter boat and went to shore.

Q. How many of the crew were on board?

A. The steward, the cook, and John Henry Brown, and two or three others.

Q. Where did you go when you took that part of the crew?

A. I went to the hotel with Captain Pelletier.

Q. What did this crowd do on board the vessel?

A. They stayed on board the vessel.

Q. Was any part of your crew left on board the vessel?

A. None of the crew whatever; I took the crew on shore.

Q. What took place when you went to Captain Pelletier?

A. I went to Mr. Lewis' and stayed with him that night.

Q. Who was he?

A. The United States consular agent.

Q. State just what you did?

A. I stayed on shore with him—I think it was four days—writing protests against the Haytien Government for their proceedings that they had done.

Q. Did you go back to the vessel during those four days?

A. No, sir; I was ashore with Mr. Lewis during that time; after that time the authorities wanted to settle with Captain Pelletier.

Q. Do you know that?

A. They gave up the vessel again to Captain Pelletier?

Q. Do you know that?

A. Yes, sir.

Q. How long did these people remain in possession of the vessel before they gave it up to Captain Pelletier?

A. Several days.

Q. How many days?

A. It was three or four days.

Q. Were they gone when you went on board the vessel?

A. Yes, sir, with the exception of the custom-house officer.

Q. Who was he?

A. A colored gentleman.

Q. What nation did he belong to?

A. Hayti.

Q. State what condition you found the vessel in when you went on board?

A. The furniture was broken; the silver-plate was gone;

the captain's articles of value were gone, and a topsail was burned; it caught fire by smoking.

Q. Had you any invoice of the damages suffered there; if so, what did it amount to?

A. An invoice was made out for several thousand dollars.

Q. Do you remember the amount?

A. I think it was ten thousand dollars; I think it was that amount.

Q. What, in your judgment, was the damage actually done there; that is, in your own judgment?

A. Well, sir, I actually do believe that that was the amount it came to.

Q. What sum?

A. I think it was ten thousand dollars.

Q. Was any damage paid, to your knowledge, to Captain Pelletier by the Government of Hayti?

A. The Government of Hayti offered him two thousand dollars, I think.

Q. Did you hear that offer made?

A. No, sir.

Q. When you went aboard the vessel state who went with you as to the crew and officers of the vessel?

A. I think Mr. Lewis went on board.

Q. Who was present when you went aboard the vessel?

A. John Henry Brown and the steward and the cook; these persons went on board with me.

Q. Was any part of the crew left on board the vessel while you were away?

A. At the time we were on shore? no, sir; I took them all on shore with me.

Q. She was abandoned then?

A. Yes, sir; and I took the American flag with me at the time, and took it to the American consul's office.

Q. Did Captain Pelletier go back the same time you did on board the vessel?

A. I think he did.

Q. What took place when Captain Pelletier took possession of the vessel in the harbor?

A. Every vessel in the harbor rejoiced that Captain Pelletier had his vessel returned back to him again from the Haytien Government, and they hoisted the American flag to the fore.

The ARBITRATOR. Is that material?

Mr. CASON. It was the insult to the Haytien Government that produced this trouble; we are trying to show that the Government became offended by this demonstration.

Q. State what they did in this way of rejoicing?

A. They hoisted the American flag at the fore and had a regular jubilee, and congratulated Captain Pelletier, and every vessel of every nationality in port rejoiced.

Q. Did you hear any of the Government authorities make any remark about that matter, any of the officers of the Government of Hayti?

The ARBITRATOR. I do not know about that, unless you show who the officer was.

Q. What was the name of the officer?

A. Lamotte.

Q. What position did he occupy?

A. I think he was chief of police—General Lamotte.

Q. What did he say?

A. He said he would have revenge out of Captain Pelletier one of these days.

Q. When did he make that remark?

A. This was when we laid in Port-au-Prince.

Q. Was that after this affair in the harbor or before?

A. Before.

Q. Was it after this demonstration or before that you heard this remark from Lamotte?

Mr. BOUTWELL. He did not say that he heard the remark.

A. I did not hear him make the remark.

Q. If you have heard anything of your own knowledge state it?

A. No, sir; I did not hear it.

Q. What took place then after you took possession of the vessel?

A. Captain Pelletier gave me orders to commence discharging the cargo to the Government of Hayti, which I did.

Q. What did you finish discharging?

A. The lumber.

Q. What did you do after the discharge?

A. Then we commenced to take in logwood.

Q. After you discharged this cargo what was left aboard at that time?

A. After I discharged the lumber there was nothing left in the hold except the water-casks.

Q. How many water-casks?

A. Six in number.

Q. What size?

A. About sixty gallons a piece; the casks were about three feet long, called "scuttle butts;" there was nothing but the provisions aboard after that.

Q. Did you take in provisions at Port-au-Prince?

A. Yes, sir; a few provisions.

Q. What became of the provisions taken in at Port-au-Prince?

A. Some of them were taken.

Q. What quantity was taken?

A. I cannot remember the exact amount.

Q. What was left after you discharged your cargo?

A. There was only a barrel or so of beef and pork left.

Q. How long would your provisions have lasted your crew after you discharged your cargo; after the cargo was discharged how long would it have lasted?

A. Only two months, probably.

Q. Did you take another crew on at Port-au-Prince after your crew was imprisoned?

A. Yes, sir.

Q. Did you take those who were imprisoned back?

A. No, sir.

Q. How many did you ship at Port-au-Prince?

A. Well, we shipped, I think, six.

Q. What kind of a crew was that as to seamanship and quality of sailors?

A. You may say they were neither sailors nor soldiers, except one man by the name of Miranda, a Frenchman; he shipped as boatswain.

Q. How many sailors were there who understood their business?

A. There was only three or four good men out of the lot that knew anything about sailing.

Q. Were they colored men?

A. No, sir; they were white men?

Q. In what manner were they shipped?

A. By the regular shipping agent there.

Q. Did you purchase any provisions at Port-au-Prince?

A. Yes, sir.

Q. About how much?

A. We purchased provisions to last us until we got to New Orleans.

Q. For the crew you had on board?

A. Yes, sir.

Q. What freight did you take on board at Port-au-Prince?

A. Logwood.

Q. About how much?

A. Well, I presume just about one-third of the hold full; that is all the captain could get.

Q. Describe the character of that logwood?

A. This logwood is used for dyeing purposes.

Q. How was it cut up?

A. In different lengths; all shapes; some crooked as your arm; some of it from four to six and eight feet long.

Q. You do not know how many tons?

A. No, sir; not exactly.

Q. Was there any other freight?

A. No, sir.

Q. Was there any exchange of money made at Port-au-Prince that you know of, of your own knowledge?

A. No, sir; not of my own knowledge.

Q. Where were those boxes you spoke of when you were ashore?

A. In the captain's private state-room.

Q. Did they remain there all the time while you were ashore?

The ARBITRATOR. He cannot know that.

Q. Were they there when you came back on board the vessel?

A. There were some on board when I got back.

Q. Some of those boxes you speak of?

A. I will not be positive.

Q. What time did you leave Port-au-Prince; what time did you sail away?

A. I think it was in the month of February or March.

Q. Where did you sail for?

A. We cleared from Port-au-Prince for New Orleans.

Q. What did you do after you got out?

A. We were accompanied out of the harbor by the Haytien steamer "Geffrard."

Q. In what way were you accompanied?

A. She followed us for several days.

Q. How close?

A. About a mile or half a mile distant.

The ARBITRATOR. Did you take any clearance from Georgetown?

The WITNESS. Yes, sir.

The ARBITRATOR. Where for?

The WITNESS. For Port-au-Prince; that is true to my own knowledge.

At this point the Commission was adjourned until to-morrow, Wednesday, December 17, 1884, at 10 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *Dec.* 17*th*, 1884.

Pursuant to adjournment, the Commission met at 10 o'clock A. M.

Present:

Hon. WM. STRONG, Arbitrator.

Hon. SAMUEL F. PHILLIPS, Solicitor-General of the United States.

Messrs. MERRIMAN, JACKSON, ELDREDGE, STANTON, and CASON, Counsel for the claimant.

Hon. GEO. S. BOUTWELL, and the Marquis DE CHAMBRUN, Counsel for the Republic of Hayti.

Mr. BOUTWELL then presented the following motions:

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the matter of the claim of Antonio Pelletier.

Before the Honorable WILLIAM STRONG, Arbitrator.

And now come the Counsel for the Republic of Hayti and move his Honor, the Arbitrator, to request the Honorable the Secretary of State of the United States to procure for the

use of the Arbitrator a duly-authenticated copy of any and all records in the archives of the consulate at Carthagena, United States of Colombia, relating to the American bark William during her stay at that port in the months of November and December, 1860, under the command of Antonio Pelletier.

CHAS. A. DE CHAMBRUN,
GEO. S. BOUTWELL,
Counsel for Hayti.

WASHINGTON, D. C., 17*th Dec.*, 1884.

I make the request as desired.

W. STRONG,
per W. B. P.,
Secretary.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.
} In the matter of the claim of Antonio Pelletier.

Before the Honorable WILLIAM STRONG, Arbitrator.

And now come the counsel for the Republic of Hayti and move his Honor the Arbitrator to request the Honorable the Secretary of State of the United States to obtain, if practicable, from the Government of Her Britannic Majesty duly authenticated copies of any minutes made by the officers of the ship *Gladiator* in the month of November or December, 1860, that relate to the American bark *William*, or to a bark of about three hundred tons, that may have been spoken or seen by the Gladiator at Carthagena, United States of Colombia, or in the waters of the Caribbean Sea, in the vicinity of Carthagena, Rio Hache, Grand Cayman, or the island of Jamaica, in either of said months.

GEO. S. BOUTWELL,
CHAS. A. DE CHAMBRUN,
Counsel for the Republic of Hayti.

WASHINGTON, D. C., 17*th Dec.*, 1884.

I make the request, as desired.

W. STRONG,
per W. B. P.,
Secr'y.

The ARBITRATOR. Is there any evidence that the "Gladiator" was in the neighborhood of Carthagena?

Mr. BOUTWELL. Yes, sir; the printed documents here show that on pages 28–29.

The ARBITRATOR. I have no objection to making the demand.

Mr. ELDREDGE. The call is too general. It strikes me that it can by no possibility be evidence.

The ARBITRATOR. I will not undertake to decide what is and what is not evidence now. You can object when the evidence comes in. I will then listen to your objections.

THOMAS T. COLLAR,

a witness on behalf of the claimant, then resumed giving his testimony, as follows:

Examined by Mr. CASON:

Question. You can state to the Arbitrator what demonstration, if any, this war vessel made towards you or your vessel while she was following her?

Answer. She followed us for several days, with a force of armed men on board, as far as Mole St. Nicola.

Q. You mean armed soldiers were on board?

A. There was quite a number on board; her deck was almost loaded with armed soldiers.

Q. State if she did anything more.

A. She did not do anything more than that; she followed us as far as St. Nicola Mole, and we proceeded up the coast on our course.

Q. Where did the war vessel go then?

A. She returned back.

Q. Give a description of your vessel after you left there.

A. From there we made for Georgetown; we had not enough ballast on board to keep the vessel steady with the 50 tons of logwood; she was too cranky; we went to Georgetown to get more ballast, so that the vessel would not roll; I have said I mean to Man-of-War Bay.

Q. What did you do?

A. Captain Pelletier got permission from the officer to procure more ballast.

Q. Do you remember the name of that officer?

A. It was the American consular agent there.

Q. State as matter of fact whether you got leave to take on additional ballast; and, if so, where?

A. Yes, sir; Captain Pelletier got permission to take on more ballast at Man-of-War Bay.

The ARBITRATOR. Where is Man-of-War Bay; on what island?

A. On the island of Inagua; the captain hired eight or nine laborers there, and we commenced taking on ballast.

Q. What kind?

A. Stone ballast; and during that time there came on a heavy gale of wind, and we had to slip both anchors and chains and put to sea to save the vessel from going on shore; she was dragging.

Q. Had you taken any ballast on at that time?

A. We had taken on some, but not sufficient, and could not with the gale going on and preventing us; then we had to put to sea and take those laborers with us, and their canoes, which were two; they were bringing stone on board to deliver as ballast.

Q. Two?

A. Two canoes.

Q. You mean laborers with their two canoes?

A. Eight or nine laborers.

Q. What did you do then?

A. We were eight or nine days before we got back again with these men on board.

Q. What did you do when you got back?

A. We went back to Man-of-War Bay; we tried to fish our anchors but could not find the buoys; we had to use a kedge.

Q. What did you do with the laborers?

A. We brought them back to their homes and finished taking on ballast, and during that time the vessel was dragging, and we got on shore on a reef.

Q. What pay did the laborers receive and from whom?

A. From Captain Pelletier, in five-franc pieces.

Q. For what time?

A. From the time they commenced, for the nine days, till they arrived back.

Q. What color were these laborers?

A. They were negroes.

Q. Of what country?

A. They belonged to the island.

Q. State, as near as you can, while you were out at sea, where you went?

A. We drifted on the coast of Cuba.

Q. How close were you to the coast of Cuba while you were out?

A. A short distance from the island of Cuba.

Q. State, as near as you can, how near you were?

A. The island of Cuba was in sight; we drifted within twenty miles of the island of Cuba.

Q. Well, go on; when this gale came on at Man-of-War Bay, what then?

A. When the gale came on we dragged our anchor or kedge; it was not strong enough to hold out, and we drifted on the reef; we lost our false keel, and broke two pintals of the rudder, and sprung the masthead and main trestle trees.

Q. In what condition was the rudder left?

A. Only hanging by the upper pintal; when at sea the rudder worked without control from starboard to port.

Q. Did you make any repairs to the rudder?

A. I cut a square hole through the rudder and the stern-post,

and tied it so that it would not work too much from the starbard quarter to the port quarter, to support the rudder.

Q. What was the condition of the vessel as to leakage?

A. There was considerable water leaking; both chronometers were affected several degrees out of the way from each other.

Q. In paying off these laborers, do you know where the money was got, and what kind of money they were paid in?

A. The money was got out of the cabin, sir, in five-franc pieces.

Q. State in what this money was kept?

A. The money was kept in bags, in five-franc pieces.

Q. State whether or not, as a fact, you saw the captain get the money?

A. Yes, sir.

The ARBITRATOR. Did you see it?

A. Yes, sir; I saw the captain get the money and pay the men himself.

By Mr. CASON:

Q. State whether they were the bags put on board at Mobile?

A. They were the same that came on board at Mobile in the lower bay.

Q. What did you do while your vessel was in that condition about leaving Man of War Bay; when did you leave the bay?

A. I was just thinking what month this was in; it was either in the latter part of February or January or March; I am not certain; then we were proceeding home for New Orleans.

Q. How was the vessel managed and sailed; give some description of it.

A. We did not have any control over her at all; we had to put preventive backstays to keep the masts in place, and we took down the royal yards to ease her; and we proceeded along until we arrived at Fort Liberté.

Q. Before you arrived at Fort Liberté, did any person come on board?

A. No, sir; no person came on board from there.

Q. That is not my question; at any time, on your passage, was there any person came aboard the vessel?

A. Yes, sir; Captain Stubbs.

Q. Where was that?

A. On the banks of Caico, Turk's Island.

Q. How far is that from Man-of-War Bay?

A. Not such a great distance.

Q. How many days were you out from Man-of-War Bay before you got on the banks at Caico?

A. It must have been several days, sir, before we saw Captain Stubbs.

Q. Do you remember the name of the owner of the vessel?

A. No, sir.

Q. Do you remember the name of the vessel?

A. The schooner "Alma," her Britannic Majesty's mail-boat; she was carrying the mail between Turk's Island and Kingston, Jamaica.

Q. And what was the condition of your vessel when he came on board?

A. In a leaking condition, and we only had this one kedge anchor with us; when he came on board he asked Captain Pelletier what we were doing there; he said we were in a very dangerous position, as we only had two and a half fathoms of water; Captain Pelletier told him that he did not know where he was himself; that his chronometers were out of the way; some wreckers came on board and offered their assistance; we did not want them; Captain Stubbs told us not to take their assistance; that he would render any assistance we needed; then Captain Pelletier bought an anchor and chain of Captain Stubbs.

Q. Did he buy anything else?

A. He bought them for $125, and paid him the money for them.

Q. How did he pay that?

A. He paid it in gold dust; the amount of $125, and the

change back Captain Stubbs paid Pelletier in American gold coin.

Q. Did Pelletier get anything else from Stubbs?

A. He got some provisions from him; we were short of provisions; he got some beef and pork.

Q. How much?

A. It was either one or two barrels of each.

Q. How long did you lay on the banks of Caico?

A. It was either two or three days, I suppose, we were there altogether, from the time Captain Stubbs saw us in the night; he came on board in the night, about 2 o'clock in the morning.

Q. How long after that was it before you got off?

A. We did not get away for two or three days afterwards; we were in a very bad position.

Q. How long did Stubbs stay aboard the vessel?

A. He was on board that night and the next day and the day after.

Q. After he left the last time how long was it before you got off?

A. We had to get off; he helped us to get our vessel out of the bad position.

Q. What did he do in assisting you?

A. He let us have his boats and ran out a kedge with a hawser, so that we could get off into deeper water.

Q. In making this payment of gold dust, tell where Pelletier got it?

A. Out of the secret hatchway in the run of the vessel in the ship's stores.

Q. State whether all the money was kept there, or in different places?

A. It was all in that one place.

Q. Go on and tell what you did after you got off?

A. After we got off we proceeded on our course for New Orleans, but the vessel was in such a bad state and in such distress that we did not dare to proceed on our voyage; the rudder was hanging by that one pintal, with a chain through the

rudder and stern-post just above the water-line, but it was not sufficient to hold it.

Q. Did you get your chronometers repaired?

A. No, sir; there was no one there to repair them.

Q. When did you next sight land?

A. We steered and came up on the coast; we were off the port for three days and hoisted a signal for a pilot.

Q. What coast did you suppose you were making?

A. We were along the coast of Hayti at that time.

Q. What port were you attempting to make; where did you suppose you were going?

A. Captain Pelletier was trying to make a port on the Spanish side, the Domingo side, called La Platte; I think it was La Platte.

Q. State what he did?

A. There was a schooner that passed us shortly before we made Fort Liberté.

Q. Do you know the name of the schooner?

A. No, sir; it was a strange schooner to us.

Q. When you passed that vessel, what was the condition of your vessel, and under what sail?

A. The topsail, mizzen staysail, spanker, standing gib and flying gib, and fore topmost staysail.

Q. What was the condition of your vessel about being taut and sailing correctly?

A. Her mast-heads were sprung; we had to put on preventive backstays with tackle to support them.

Q. Did the captain of the schooner see the condition you were in?

A. He could not tell what condition we were in from that distance, whether she was ship-shape or not; we were in a very bad condition; both topmasts were sprung, and the main trestle trees were sprung; her royal-yards were set down to ease the vessel; we had nothing but the top-gallant yards; we did not dare to carry heavy sail on account of the condition of the masts.

The ARBITRATOR. How was the wind?

The WITNESS. It was a leading wind at the time, so that the vessel would leave the wind.

The ARBITRATOR. What was the direction of the wind?

The WITNESS. I do not know precisely in what direction it blowed; it was not a head wind; it was a leading wind.

Mr. CASON. Was it northeast?

The ARBITRATOR. Never mind, if you cannot tell.

Q. Where did you go then after you saw that vessel?

A. We hoisted a signal for a pilot at the foremast head.

Q. When was that?

A. When that vessel passed us; we laid off the port for three days for the pilot, and no pilot came.

The ARBITRATOR. What port?

The WITNESS. As we supposed it was La Platte.

The ARBITRATOR. What port did it turn out to be?

The WITNESS. It turned out to be Fort Liberté, which was not a port of entry; no pilot came on board to take the vessel in, so Captain Pelletier ran the vessel in by Blunt's Coast Pilot by directions.

Q. What kind of a flag did you hoist?

A. It was a small French flag hoisted at the fore-royal masthead.

Q. Was there any flag hoisted at the peak?

A. No, sir.

Q. Was there any other flag hoisted, except the one you speak of?

A. Not at that time, sir.

Q. Well, at any time going in?

A. No, sir.

Q. After you got into the port what did you do?

A. We came to anchor within two or three miles of the town.

Q. State whether that flag was the usual signal with which you made signals for pilots.

A. Yes, sir, most generally, where we hoist the signal at the

foremast head; it is no matter what kind of a flag for that occasion.

Q. When you came to anchor what was done?

A. Captain Pelletier sent on shore for permission to lay there to undergo repairs and to get permission for a few casks of water.

Q. What was done?

A. The rudder was unshipped and the blacksmith made two more pintals, so that we could proceed on the voyage.

Q. What was done about getting water?

A. A boat went on shore for four casks of water; we could not get the water, but we rehung the rudder and made ready for sea; that night it was my watch on deck, from eight to twelve, and I called the second mate, and he relieved me; after I was relieved I sat on the poop-deck, smoking my pipe, and I fell asleep, and between one and two o'clock in the morning Captain Pelletier came on deck, and he inquired who was the officer of the deck, and I told him the second mate; he said, "Where is he?" I told him I did not know; he said, "You had better hunt him up;" I said I would do so; I then hunted the vessel all over, but could not find him; I went into his cabin, and his trunk was gone; I looked over the stern for the boat, and the boat was gone; Captain Pelletier gave orders to call all hands and to lower the starboard-quarter boat, and we went on shore.

Q. What was the name of this man?

A. Miranda; we could not find him or hear anything of him; we picked the boat up in the bay a short distance from shore; she was adrift; we returned on board and got ready for sea, and tried to get out in the morning with the land breeze, but we got on shore.

Q. Did you start to go out; did you make any effort to get out?

A. No, sir; not that day.

Q. When did you make an effort to get out?

A. Yes, sir; we made an effort the next night, I think it was, and the vessel got on shore.

Q. Was there any reason why the vessel got on shore, if you know?

A. The wind died away and the current drifted us on the lee shore close by the fort, and in the morning we saw a lot of boats coming toward us with armed soldiers.

Q. About how many persons were along with those boats?

A. Somewhere in the neighborhood of three hundred.

Q. State what was then done?

A. They commenced firing at us before they boarded us, with muskets; then we hoisted the white flag at the main, and the commander then came on board and told the captain his men were drunk.

Q. State who the commander was, if you know?

A. Well, sir, I do not remember the name; it was a French name.

Q. Do you know what position he held there?

A. He held a high position; he was a high officer.

Q. You do not know the name of the position?

A. I would know it if I heard it.

Q. Would you know his rank if you heard it?

A. Yes, sir; and I would know his name if I heard it; I am just telling you, Judge, what I know; it is the truth and nothing more than the truth; then they came on board and took possession of the vessel, and Pelletier gave himself up; he saw he could not help himself.

Q. Where was the captain taken?

A. They got the vessel off and took us back to the port again, to Fort Liberté; she came to anchor and then they took the captain on shore, and what they did with him when they got him on shore I do not know; they then came on board and took me and the remainder of the crew and put me in jail, throwing missiles at me, and when I got to jail Captain Pelletier was there.

Q. Was the crew along with you?

A. Part of the crew went with me.

Q. What became of the crew?

A. They went to jail.

Q. State what was the character of those missiles.

A. They were stones of every description you could mention; they ridiculed us and called us everything in their language, which I could not understand.

Q. What kind of a prison was it?

A. A stone prison; a very damp prison.

Q. What was the size of the cells?

A. The cells were not over six feet square, sir.

Q. How many persons were put in a cell—a single cell?

A. Captain Pelletier was put in a separate cell from me at the time; five or six of the crew were in with me.

Q. State your condition?

A. We were handcuffed and kept in irons.

Q. How were you ironed?

A. With handcuffs in that prison; we were marched from there to Cape Haytien, and we were double-ironed with handcuffs and shackles.

Q. How long did you remain in Fort Liberté?

A. We were captured on the 5th day of April, in 1861.

Q. How long did you remain there?

A. We remained there probably two or three weeks, possibly longer; we were there for several days, I know; then we were taken from there and sent to Cape Haytien.

Q. In what manner?

A. In double irons, handcuffs, and shackles, on board of a small sloop of about ten tons.

Q. Describe those irons?

A. We were handcuffed in that way, and we had shackles; we could only go step by step, that way, (describing;) the irons were as big as the bowl of my pipe.

Q. Was there any weight attached to them?

A. Well, there was not, except the iron weights.

Q. How were they put on?

A. They were riveted on.

Q. Who put them on?

A. They were put on at Fort Liberté.

Q. Who did it?

A. I suppose it was the blacksmith.

The ARBITRATOR. Do you mean to say they were riveted?

The WITNESS. Yes, sir; they were riveted.

Q. How were they gotten off?

A. They were cut off with a cold chisel.

Q. How were they braced?

A. That was not at that time; they were just linked together in that way, (describing;) we were taken on board a small sloop, and we were placed down in a hole about six or eight feet square.

Q. Were you all put together; how many of you?

A. The ship's crew, myself, and captain, and cook, and the steward.

Q. How many of the crew?

A. Eight of the crew, sir.

Q. How long were you going from Fort Liberté to Cape Haytien?

A. We left Fort Liberté towards night; I think we got into Cape Haytien some time next day; then we were marched up to jail at Cape Haytien.

Q. How?

A. In irons.

Q. If anything was done on the march, state what it was?

A. They abused us and stoned us again as we passed up the streets, with hard stones and sticks and everything they could pick up.

Q. What was their size?

A. Some of the stones as large as the fist.

Q. Who threw those stones?

A. The populace of the place.

Q. Where were the officers that had you in charge?

A. They were there, riding by the side of us; they did not

interfere; it seemed as if they rejoiced at it, to see the way we were treated.

Q. State how you had to march from the vessel up to Cape Hayiten with these shackles on?

A. The same way as I showed you a few minutes ago.

Q. How far could you step at a time; how many inches?

A. We could not take more than two or three inches at a step in that position.

Q. How far was it from the vessel to where they took you?

A. About a mile and a half; then they put us in jail.

Q. What kind of a prison was it?

A. It was built of stone and arched over.

Q. What was the size of the cells?

A. About six feet square, sir.

Q. How many were put in the cells together?

A. Me and John Henry Brown were in together, I think.

Q. Who was he?

A. He was one of the seamen, a sailor.

Q. What became of the crew that was taken to Cape Haytien?

A. During the time I was in the prison I was taken sick with the yellow fever, and they were put in the cells.

Q. All of them?

A. Yes, sir.

Q. How long were you in prison before you were taken sick?

A. Not over two or three days before I was taken sick; I was taken sick in the night.

Q. Was the crew all there until you were taken sick?

A. Yes, sir.

Examined by Mr. Stanton:

Q. State what occurred to you when you were in the hospital; were you taken from the prison to the hospital?

A. Yes, sir.

Q. What occurred in the hospital?

A. While in the hospital Mr. Hubbard came to me.

Q. Who was he?

A. The American consul there at that time; he came and saw me several times, and told me that if I would testify against Captain Pelletier I would receive considerable money and get my liberty.

Q. Did he state what he wanted you to testifiy?

A. No, not exactly; he told me if I would testify falsely against Pelletier I would ——

The ARBITRATOR. Did he say testify "falsely?"

The WITNESS. He said he wanted me to testify against Captain Pelletier.

Q. Did he say what facts he wanted you to testify to?

A. He said he wanted me to testify falsely against Pelletier.

The ARBITRATOR. Did he say "falsely?"

The WITNESS. He said he wanted me to testify against him.

Q. Did he intimate what he wanted you to testify to, what facts?

A. He made a little remark to this effect, that Pelletier had done an injury there; I told him I did not think he had done an injury, and I would not testify falsely for anything; since I knew the truth, I would testify to that.

Q. What injury did he refer to?

A. What he was intimating at was when we first arrived at Port-au-Prince from Carthagena with our cargo; that is what he was intimating at; that is what I took it to be.

Q. Can you remember exactly what he said at any time?

A. Well, that was all he said; he offered me every inducement he possibly could; I said there is no use for you to offer me anything; I cannot testify wrongfully against Captain Pelletier, and that he had not committed any crime whatever.

Q. Go on with your narrative?

A. While I was there Pelletier and the balance of the crew were sent around to Port-au-Prince on board of the sloop, and I remained in Cape Haytien.

Q. Did you see that?

A. No, sir; I did not see that; I forget the day of the

month they left, but they were sent, I know; of course I could not see that when I was in the hospital.

Q. State what you know of your own knowledge?

A. I remained there for some time until I got well; then I was sent around in the barque "William" from Cape Haytien to Port-au-Prince, with a Haytien officer on board, and the officer told me then that when I arrived at Port-au-Prince I would get my liberty; that they had nothing against me at all.

Q. What happened when you got to Port-au-Prince?

A. I was put in prison as soon as I landed in the barque "William."

Q. Were you in chains when you were sent around?

A. No, sir; not when I was sent around; when I got to prison at Port-au-Prince I was put in chains again.

Q. Was anybody else besides yourself in prison then?

A. When I arrived there Captain Pelletier and the crew was in prison.

Q. Did you see the captain and the rest of the crew in prison?

A. Yes, sir; a short time afterwards, after I arrived there; the captain and I were confined in the same dungeon together after I arrived there.

Q. What was his condition?

A. He was in chains, sir.

Q. Both hands and feet?

A. Yes, sir.

Q. What was the character of the prison?

A. It was a very damp prison indeed.

Q. How were you lodged at night?

A. We had to sleep on the damp stones with only our blankets under us, and there we were taken sick with fever and ague, and could not get any remedy to help us; we were in that condition for several months until we had something smuggled in to us, so that we could recover.

Q. What occurred after that?

A. We laid there in prison for a long while before they gave us any trial at all; I think it was about ten months or somewhere about that; then our trial came off, and I was condemned to five years and Captain Pelletier was condemned to be shot, in the first place; then that judgment was revoked; then he was condemned to five years in chains and hard labor, as well as myself and John Henry Brown and Urbain Castay; the rest of the crew were set free; they gave them their liberty; they only kept the Americans in prison.

Q. Was that the first trial you speak of?

A. Yes, sir; that was the first trial I had after I arrived there.

Q. Can you describe the incidents of that trial; were you and Pelletier tried together?

A. Yes, sir; we were all in the court-house together.

Q. Was it a joint trial?

A. We were tried one after the other.

Q. Did you make any defense?

A. Mr. Pradine, we had him for our attorney, and they would not allow him to plead our case, and would not allow us to plead our own.

Q. What happened to your attorney during the course of the trial?

A. They ordered to have him arrested and put in prison.

Q. For what?

A. For defending us.

Q. What was the particular act for which he was in prison; do you remember; what had he done?

A. Because he had begun to defend us.

Q. Do you remember what particular act it was?

A. Because he was going to defend our case.

The Arbitrator. What attorney was it?

Mr. Stanton. Do you remember which attorney it was; was it Mr. Pradine or Mr. Laveau?

A. I think it was Mr. Laveau, and they threatened Mr. Pradine.

Q. What did he do when they threatened him?

A. He dropped us.

Q. And retired from the case?

A. Yes, sir.

Q. Can you remember the particular circumstance or practice upon which the court imprisoned your attorney; do you remember the particular facts?

A. No, sir; I do not remember that.

Q. Had he done anything except to conduct your defence?

A. Nothing that I know of.

The ARBITRATOR. The impressions of a defendant in a criminal trial are oftentimes indistinct. The report of the trial shows the cause for which he was imprisoned.

Mr. STANTON. Did you ever have any experience in a court before that time?

WITNESS. No, sir.

Q. Were you examined as a witness?

A. No, sir; and never before in my life, and never got into any trouble, and always kept out of any trouble.

Q. This is the only instance in which you were a witness?

A. Yes, sir; only when I was there at Port-au-Prince and here.

Q. Did you ever have a lawsuit?

A. No, sir.

Q. Were you ever examined as a witness in court before this?

A. No, sir; not even before a justice of the peace.

Q. Did you testify in this trial at Port-au-Prince?

A. They would not allow me to testify.

Q. Did you have any witnesses?

A. Only the ship's crew, John Henry Brown, and the steward.

Q. Were they allowed to testify?

A. No, sir.

Q. Were they there?

A. Yes, sir.

Q. Were they at the court?

A. Yes, sir.

Q. Did you offer or propose to examine them?

A. Yes, sir.

Q. What do you mean by proposing to examine?

The ARBITRATOR. Did he say or did his counsel say to the court that he wanted to examine Brown and these other men?

Q. Did your lawyers call these men and offer them as witnesses; did they say to the court that they wished to examine these men?

A. Yes, sir.

The ARBITRATOR. What is the fact; were they all on trial?

A. Yes, sir; and they would not allow us to testify in our own case.

Q. Were any propositions made to you during that trial, or before or after it, about the time of the trial as to giving testimony?

A. Yes, sir; General LaMotte offered to bribe me if I would testify against Pelletier; I told him "No, sir, that he had not done anything wrong and had not committed any crime there whatever; I shipped with Captain Pelletier in Key West and Mobile, and I was going to stick by him, if we remained there, as long as we were in prison."

Q Did he make that offer to anybody else?

A. Yes, sir; to John Henry Brown.

The ARBITRATOR. Did you hear it?

WITNESS. Yes, sir; we were both in the same cell together.

Mr. STANTON. What did he say he wanted you to testify to?

A. That Captain Pelletier was on an illegal voyage.

Q. What sort of an illegal voyage?

A. He was alluding to the slave trade, and for piracy; but there was nothing of that kind intended, and no piracy was committed on board of the vessel; that I can swear to truthfully before God and man, and there was no depredation committed on board the vessel.

Q. What did he offer you to induce you to testify?

A. He offered me considerable money, but he did not mention the amount, and also my freedom, and to send me to America; I said, "No, sir; I am going to remain here until my time expires, unless I am properly freed."

Q. Where was that offered you?

A. In the prison at Port-au-Prince.

Q. Was it before or after the trial?

A. Before the trial.

Q. Since you allude to that subject, I would like to ask you when you enlisted at Key West on board this vessel, and sailed from Mobile, what you understood from Captain Pelletier to be the object and purpose of that voyage?

A. To go from Mobile to Carthagena with a cargo of pine lumber, sawed to order for plank roads; we took our lumber on at Mobile.

Q. What were you to do after discharging the load at Carthagena?

A. To go for a cargo of guano as a fertilizer.

Q. Where was that to be obtained, according to your programme?

A. At the guano islands; as we could not dispose of our cargo at Carthagena, we went to Port-au-Prince; we took Cortez on board, and his wife and child and servant.

Q. I am asking you now as to the purpose of the voyage; was there any preparation on board for the reception of slaves?

A. No, sir; none whatever; there was never no such thing mentioned on board the vessel as long as I was with Captain Pelletier, and no indications of such a voyage.

Q. Not at any time during the voyage?

A. No, sir; not one word mentioned in that respect whatever in regard to the slave trade.

Q. Not before you started?

A. No, sir.

Q. Would you have gone on a voyage of that kind?

A. No, sir; and no man could ever hire me to go on such a voyage as that.

Q. Was the vessel in any condition for a purpose of that kind?

Mr. Boutwell. Her condition, whatever it was, is a question to be answered in a different manner.

Q. State, if you please, what number of handcuffs were on board, and what quantity of arms?

A. From six to eight pair of handcuffs; that is all I know of, and every ship carries that number for discipline among the crew in case of mutiny.

The Arbitrator. One pair of handcuffs for each seaman?

A. Sometimes, and sometimes they handcuff them two by two; then there were eight Colt's revolvers and three fowling-pieces except my own seven-shooter that I had when I was in the United States revenue service.

A. How much powder?

A. There were two kegs of powder on board, and that was sold at Port-au-Prince.

Q. To whom?

A. To the Haytien Government; that was all except one half-pound package for Captain Pelletier's own use.

Q. What became of those revolvers?

A. He sold those to a man by the name of Figaro at Port-au-Prince.

Q. Was the gentleman to whom he sold them a Haytien?

A. Well, I do not know whether he was a Haytien by birth, but he spoke the French language; he was almost white; I could not tell whether he was a Haytien by birth.

Q. Did you hear any intimation or no, at any time, of any intention or proposition of having on board a ball or dance for the purpose of enticing the Haytien people on board and running away with them?

A. No, sir, never; I never had heard of one instance about that whatever.

Q. How long were you kept in prison after your trial?

A. I was there, sir, from the time I was captured, from the 5th day of April, 1861, until November, 1862.

Q. What was the date of your trial?

A. I do not remember the date of the trial; I guess the date is down in the captain's memorial.

Q. How did you get away from the prison?

A. I will tell you God's almighty truth how I got away; I wrote a letter to Abraham Lincoln, when he was President in the first administration; there is a copy of it in that book. [Pointing to a book.]

Q. Is this the letter signed by Collar and John Henry Brown?

A. Yes, sir; dated June 25th, 1862, prison at Port-au-Prince.

Q. What then?

A. I stated the facts to President Lincoln from the time I joined the vessel in Key West and Mobile until the time we were taken prisoners in Hayti; I told him the whole particulars, and I got my letter smuggled out; I had to write it pretty close night and day; I got it out and got it on the mail-boat and sent it to Lincoln here; after Mr. Whidden came out, he brought the letter with him and a letter from Mr. Lincoln to Geffrard, asking why he kept American citizens in prison for a crime they were not guilty of; then the President issued the order for me and John Henry Brown, for our liberty; that was in the month of November, 1862; then I asked the authorities there where my clothes were and where my jewelry was; they said they did not know anything about that.

Q. Didn't you recover your clothes?

A. No, sir; I was about naked; I was barefooted and bareheaded, and I went to Mr. Conard, the vice-consul; he gave us money to get some clothes and lodgings; the next day I went out to Mr. Whidden's county-seat; he took the affidavits of me and Brown; he was the American consul at that time; he gave me money to go home on board the schooner Lane.

Q. Did you go back to Hayti afterwards?

A. Yes, sir; I arrived in New York on the 12th of December, 1862, and that cold New Year's I could not stand it; I had not seen cold weather for ten years; I had always been in a warm climate; I was acquainted with the mate of a vessel; his name was Johnson; he was a German, and he gave me an introduction to the captain, who was a Scotchman, named McEwen; the vessel's name was "Willamee," of New York; I asked him whether he would engage me as second mate; Johnson introduced me; "If you wish a second mate," said he to the captain, "why here is a chance to engage Collar;" I I went then right back to Port-au-Prince; we left New York on the 5th day of January.

Q. State if you saw Pelletier on your arrival?

A. From the time I left New York till I arrived in Port-au-Prince?

The Arbitrator. Is that material?

Witness. After I arrived in Port-au-Prince the Vice-Consul came on board the vessel; as soon as he came on board he recognized me; he said, "Collar, are you back here again; are not you afraid to come back after what you did here; ain't you afraid these Haytiens will kill you?" I said, "I have done nothing for which I should be afraid; I didn't commit any crime;" he said, "Pelletier is back again;" I said, "Where?" he said, "He was in the prison at Port-au-Prince;" I said, "Will you do me the kindness to tell Captain Pelletier I would like to see him?" I saw Pelletier then.

Q. What was his condition?

A. He was in a very bad condition; he was in a cell when I arrived back, in an open cell at that time; that was in 1862.

Q. How was it as to his limbs?

A. He was not chained then when I arrived back.

Q. How was he clothed?

A. All he had on was a shirt and a pair of pantaloons and a pair of slippers.

Q. What was the condition of his health?

A. His health was very poor; he was nothing but skin and bones; I took him some tobacco; I knew he was a great smoker; I took him about twenty pounds of tobacco, which he thanked me very kindly for.

Q. What date was that?

A. That was in January, 1863; I arrived home in New York in December, 1862, and it was in 1863 that I went back again.

The ARBITRATOR. Was he in prison at that time, or in the hospital?

WITNESS. He was in the prison at Port-au-Prince.

Mr. STANTON. What kind of a cell was he in, and how large was it?

The ARBITRATOR. He said he was in an open cell.

Mr. STANTON. Was that the same prison you were all in?

A. Yes, sir, at Port-au-Prince.

Q. I omitted to ask you about the occurrences in the course of your trial; do you remember anything about the ship's papers during the course of the trials, whether they were produced?

A. No, sir.

Q. Were they demanded?

A. Yes, sir; they were demanded, and were not produced.

Q. What became of them?

A. I do not know what became of them.

Q. Who had them?

A. The Haytien Government had them in their possession.

Q. Did they refuse to produce them on the trial?

A. Yes, sir.

The ARBITRATOR. What papers is he speaking of?

Mr. STANTON. He says the ship's papers.

WITNESS. Her clearance and her register and manifest.

Q. Were there any others?

A. Only the captain's private papers.

Q. Does that include the log-book?

A. Yes, sir.

Q. Did it include the protests made?

A. Yes, sir; it included everything; there was not anything produced in court whatever so as to help us.

Q. Then they were demanded and refused?

A. Yes, sir.

The ARBITRATOR. Who demanded them?

WITNESS. Captain Pelletier and his counsel.

The ARBITRATOR. At the trial?

WITNESS. Yes, sir.

The ARBITRATOR. There must be some mistake about that. It appears that those papers, or copies of them, were produced.

Mr. CASON. O, no, sir; the attorney said he would leave the trial if the copies were not produced.

The ARBITRATOR. The copies were brought before the court.

Mr. STANTON. The non-production of the ship's papers was one of the reasons why they refused to go into the defence.

Mr. de CHAMBRAN. These proceedings are conducted under a law, which is an identical copy of the French law. I happen to know something about that criminal law. All the questions addressed here are based upon the American system of proceedings, which is entirely different from that pursued in Hayti.

The ARBITRATOR. I want merely to get the facts.

Mr. STANTON. I suppose the letter of Collar and Brown will be before your honor.

The ARBITRATOR. I understand that those papers are before me for what they are worth; that is agreed on both sides.

Q. Do you know of anything being taken from Pelletier, of your own knowledge, while he was in prison, or at any time during his imprisonment; do you know anything of what was taken from him?

A. His gold watch was taken from him.

Q. Do you know that personally?

A. Yes, sir; I was in the prison with him.

Q. Do you recollect anything else?

A. Nothing that I saw myself.

Q. Who took this watch?

A. The jailor, sir.

Mr. STANTON. On page 107 of document 260 I call your honor's attention to this statement of the record, in the record of the court:

"While Mr. St. Arnaud was speaking Pelletier broke his obstinate silence and said he would like to have the ship's register brought and shown to the jury, and all other papers they could find on board."

Cross-examined by the Marquis de CHAMBRUN, of counsel for the Republic of Hayti:

Q. Where have you been during these last two months?

A. Since I was liberated?

Q. Yes; where were you?

A. In Mishawaka, State of Indiana.

Q. How long have you resided there?

A. Seventeen years this fall, sir.

Q. What is your business and occupation there?

A. I am a house-painter.

Q. When did you hear that this matter was to be arbitrated —this claim?

A. A week ago last Saturday.

Q. Through whom did you hear it?

A. From Mr. Merriman.

Mr. ELDREDGE. Do you mean Judge Merriman here?

WITNESS. Yes, sir.

Mr. de CHAMBRUN. He wrote you?

A. Yes, sir.

Q. Will you state the contents of that communication?

A. He wished me to come on here, that Pelletier's trial was coming on before Judge Strong.

Q. Who was going to pay your expenses here?

A. Whether my expenses will be paid if I came here? Why, I have an interest in this thing myself as well as Captain Pelletier.

Q. Answer my questions as I put them; what did you answer to Judge Merriman?

A. I told him I would be here by Sunday without fail; that was last Sunday; I arrived here on Sunday morning.

Q. Do you look to any one for reimbursement for travelling expenses and for staying here?

A. Not unless the Government pays my expenses on this trial.

Q. You arrived here on Sunday?

A. I left my home Friday night at nine o'clock.

Q. Had you seen these various communications addressed by the President of the United States to Congress in regard to this claim before you came here?

A. I have not seen those papers, except I had one several years ago.

Q. When you received the letter of Judge Merriman, did you read over these documents again?

A. I read some over since.

Q. I mean before you left?

A. No, sir; I did not know anything about it.

Q. Whom did you see here on Sunday?

A. No one.

Q. On Monday?

A. I then came up to Judge Merriman's office.

Q. When did you meet Captain Pelletier?

A. On Monday morning.

Q. Why did you not claim an indemnity from the Government of Hayti yourself?

A. I did send on a document, a claim here in Washington, after I was discharged from the United States navy in 1865, in July.

Q. You have not prosecuted that claim?

A. I sent it on in the care of John A. Willis, that was attending to Pelletier's claim then; Pelletier was going to have it placed on file with his, and it never was done.

Q. Have you inquired whether it was filed in this Department?

A. Only through Willis, and I have not heard from him for a number of years.

Q. You said a little while ago that you made an arrangement with Pelletier that you would share in the proceeds of the recovery?

Mr. ELDREDGE. No, sir; he did not say anything of the kind.

Mr. DE CHAMBRUN. He said he had an interest.

WITNESS. Yes, sir; for false imprisonment.

Q. How do you get that interest in this claim?

A. I have got nothing.

Q. Have you got a paper to that effect?

A. I have a claim against the Haytien Government for the loss of my wages for all this time and for false imprisonment.

Q. You do not answer my questions?

The ARBITRATOR. You can take his statement for what it is worth.

Q. So your traveling expenses are not paid by anybody here?

A. No, sir.

Q. Except in case of recovery?

A. No, sir.

Q. When you left Hayti in 1862 and you returned to the United States, what did you do?

A. I returned to the United States to New York; then I went to sea from New York back to Port-au-Prince; there I was taken sick with the yellow fever; a day or two after we discharged our cargo we commenced taking in log-wood; there I was left in Port-au-Prince under the physician's charge; then I was sent home in the "Bird-of-the-Wave" to Boston.

Q. Were you well treated at Hayti during that second stay?

A. After I went back again?

Q. Yes, sir.

A. Very well; I was in a private house, and the physician came to see me.

Q. There was no feeling against you?

A. No, sir; but I was not ashore there very often; I was very close there.

Q. When you returned to Boston, what did you do after that second trip?

A. I returned to Boston; then I sailed from Boston; I was going to California, and from California to China.

Q. Let us go back to 1860; you were at Key West at the time of the seizure of the barque "William?"

A. Yes, sir.

Q. You saw her brought into port?

A. Yes, sir; I was there when she was brought in, after she was seized off the island of Cuba.

Q. You visited her prior to the sale?

A. No, sir.

Q. Did you know Captain Pelletier at the time?

A. Not until I saw him in Key West.

Q. Who made you acquainted?

A. Mr. Packard.

Q. Had you known one Vidal?

A. No, sir; I did not know him personally; I heard of the name.

Q. Was it through Pelletier that you heard of him?

A. Yes, one Vidal; they took the vessel out of port, and were going to run away with it.

Q. Did you hear Captain Pelletier speak of Vidal; or who mentioned Vidal's name to you at that time?

A. Not at that time.

Q. Who mentioned it?

A. No, I do not remember.

Q. Do you know whether Vidal was at Key West at that time?

A. I heard that he was there; I did not know.

Q. Wasn't it Packard that spoke to you about Vidal?

A. No, sir; not that I can remember now.

Q. What was the business of Packard?

A. He was in the ship chandler business.

Q. What was the business of Vidal, as you understood?

A. I didn't hear what his business was; I wasn't acquainted with the gentleman.

Q. When was the first proposition made to you to sail on board the barque "William?"

A. In Key West, sir.

Q. By whom?

A. I engaged with Captain Pelletier.

Q. Did you sign any articles of agreement?

A. No, sir; not at that time.

Q. What was the understanding between you?

A. I was to go on the barque "William" to Mobile; I was to superintend the overhauling.

Q. You knew, then, that the barque "William" had been condemned as a slaver?

A. Yes, sir; she had been condemned.

Q. You knew it?

A. Yes, sir.

Q. You had no objection to take service on board, and to ship on board a former slaver?

A. Not when she was not a slaver then; there was no objection to that whatever.

Q. The bad name of the ship; that did not affect you?

A. No, sir.

Q. Her bad reputation?

A. No, sir.

Q. You didn't think anything of that?

A. No, sir.

Q. After the sale of the "William," how long was it before you left Key West on board?

A. She sailed in two or three days after Pelletier bought the vessel.

Q. During those three days did you see her?

A. She was lying in the harbor; I did not go on board till she was ready.

Q. Did you look at her from the outside during those three days?

A. Why, of course I did; I could see her from the shore.

Q. You saw her every day?

A. Yes, sir.

Q. What time in the month was it when you reached Mobile?

A. It was in the month of September, I think it was.

Q. About what time in the month?

A. About the middle, or somewhere along there.

Q. When did you begin to superintend the repairing of the ship?

A. The same month.

Q. About what time?

A. Soon after we arrived at Mobile.

Q. Say five days or six days?

A. Yes, sir; a few days more or less.

Q. Would you say ten days?

A. It was not but a few days.

Q. Shall we say ten days; will that answer?

A. Well, I cannot say for certain whether it was ten days or not.

Q. You made contracts with various parties to repair the ship?

A. Yes, sir; we engaged caulkers and the ship carpenters were engaged.

Q. By whom?

A. By me, through Pelletier's instructions.

Q. How did you pay them?

A. They were paid by the day.

Q. How many men were put on board to repair that ship?

A. I had some six or eight seamen preparing the rigging; then there were the caulkers.

Q. How many?

A. There were two or three caulkers, two or three ship-carpenters, and a couple of painters.

Q. How much did you pay those men a day, on an average?

A. I did not engage for the pay at all.

Q. Did you see them paid?

A. Yes, sir.

Q. How much were they paid?

A. Probably at the rate of three dollars a day, at the rate wages were running then.

Q. How many men were employed during those days?

A. About eight men in setting the rigging.

Q. That makes about fourteen or fifteen men at three dollars a day; the sailors were engaged on the ship, were they not; that is, the eight seamen you refer to as repairing the rigging?

A. They were engaged in Mobile for that purpose.

Q. At what rate?

A. At three dollars a day, as wages were running then.

Q. How long did it take to fix those repairs; that is, to complete them?

A. It took probably a couple of weeks for that business, to set up all the rigging and everything, and set up all the stays and standard rigging.

Q. So, after employing those men for about a fortnight, the ship was ready to go to sea?

A. No, sir; she was taking in a cargo.

Q. I am speaking of the repairs?

A. Of course she was ready for sea.

Q. What cargo did you put on board?

A. Pine lumber.

Q. How many square feet?

A. Two hundred thousand feet.

Q. How long did it take to put that cargo on board?

A. It took several days.

Q. What do you call several days?

A. Two or three weeks; it was a slow process, the way we had to take it on board.

Q. Where did you store the cargo?

A. Down in the hold.

Q. Did it fill the hold?

A. Yes, sir.

Q. The whole of it?

A. Yes, sir; and the deck load besides.

Q. Did you take anything else on board?

A. We took the provisions, three months' provisions, and her water.

Q. Was the ship insured before she sailed?

A. That I cannot tell, whether she was or not.

Q. You are a very practical seaman, and have you never thought, when at sea, or before sailing, of inquiring whether the ship on board of which you sailed was insured?

A. I never inquired in that way in my life.

Q. Do you know whether there is a great many seaman who do not inquire about that?

A. That is none of their business; they have not any interest in the vessel about the insurance.

Q. So you did not know whether the ship was insured or not?

A. No, sir.

Q. You spoke of a great deal of bullion or gold put on board that ship?

A. Yes, sir.

Q. And did not raise the inquiry whether the ship or the cargo was insured?

A. I did not ask that question; that was none of my business; that is not a seaman's business or an officer's business; that is the captain's business and owner's business, not mine.

Q. When you landed at Carthagena you state that there was a state of revolution there?

A. Yes, sir.

Q. Between whom was that revolution going on; was it in Carthagena itself, or in the State?

A. In the State.

Q. Was there a state of revolution going on in the city?

A. No, not exactly in the city.

Vas the state of trade disturbed at Carthagena at that
How did you find the business at Carthagena?
)f course it affected business at that time; the business
t very brisk there on that account; that is the reason
tain could not get purchasers for his lumber.
Ou stated that he went there for the purpose of build-
a plank-road there?
Ies, sir; that is what he calculated to do.
Iad he a contract to supply the lumber for that plank-

Ies, sir; he had a contract there from a certain party
t purpose; that is the reason he could not sell it—on
of the country being in a revolution at that time.
)id you see Pelletier receive any money for the lumber
ed by him?
No, sir; not there.
)id he tell you that he received any?
Ie left twenty thousand feet there in charge of the
an consul to sell it for him.
Then he did not sell any himself?
That is all that was delivered there; twenty thousand
t was left in the care of the consul, as the captain's
that was the deck load.
)id you see him buy the gold dust?
Ies, sir; he bought the gold dust there.
)id you see him with your own eyes buy the gold dust?
was not on shore at the time; I had to stay on the
but I saw the gold dust come on board.
)id you know it was gold dust when it came on board?
Ies, sir.
Iow did you know it?
felt it in the bag, and it was marked to that effect.
Iow was it marked?
G. D." on the bag.
That stands for a great many things?
Ies, sir.

Q. Did he tell you from whom he bought that gold dust?

A. He was speculating on it.

Q. From what party did he get it?

A. I forget his name.

Q. Was it a Spaniard or American?

A. It was a native of Carthagena; it was a friend that Captain Pelletier was trading with before that.

Q. Did he receive people on board the ship?

A. Well, he had visitors on board the ship.

Q. Did he give entertainments?

A. He entertained them the same as any person would do on shore.

Q. Did he give dinner parties?

A. Yes, sir, to his invited friends, to his intimate friends and acquaintances, and he treated them like any gentleman would treat people.

Q. Was he proud to show them these courtesies?

A. He is not at all a proud man; he has no more pride about him than I have.

Q. Did you see a British man-of-war in those waters at that time?

A. Yes, sir; I saw one lying there—a British man-of-war, a steamship.

The Arbitrator. What was her name, the "Gladiator?"

The Witness. That sounds like the name.

Q. How many men were shipped as members of the crew when you left Mobile?

A. Eight, sir.

Q. Including everybody?

A. Fourteen in all, including the officers, steward, and cook.

Q. Was there no women on board when you left Mobile?

A. There was one lady on board.

Q. What was her name?

A. I do not know her name; I forget it.

Q. Were there any children?

o; not that I am aware of; that lady was the super-
sister; his name was Urbain Castay.
'as she an American lady?
he was a French lady.
ARBITRATOR. Who was the supercargo?
WITNESS. Urbain Castay.
'hen you left Carthagena how many persons were
s seamen, as members of the crew?
ight.
ie same number that came from Mobile?
es, sir.
ow many passengers, if any?
here were Cortez and his wife.
ow do you spell it?
think it is "Cortez" or "Cortes."
ARBITRATOR. It is spelled in two ways—"Cortá" and
;" there is no difficulty about that, however; I think
tity is fixed.
WITNESS. There were Juan Cortez and his wife and
d servant, and a refugee by the name of Binar, and a
d a boy that came on board that we had to take to sea

'as there any other women?
o, sir.
'hat was the color and race of Cortez?
e is from the Spanish descent, I think.
'as he a white man?
ot exactly white or black; he was kind of a mulatto
er-colored man.
nd his wife?
ie was a kind of a dark-complexioned lady.
'hat was her race?
he was a Spanish lady, I presume.
'as she a white woman or a colored woman?
ie was not white or colored; she was about the same
her husband; that is, neither white nor black.

Q. And as to Binar; what race did he belong to?

A. He was either of Spanish descent or something of that kind; he spoke the Spanish language.

Q. Do you understand Spanish?

A. No, sir; I can understand a few words, such as "si."

Q. Was there nobody else on board the ship when you left Carthagena?

A. Only those we took on board as passengers.

Q. How much were they to pay for their passage?

A. They were to go from Carthagena to Rio de Hache.

Q. I mean Cortez and his family?

A. No, sir; I did not know the terms, what they were to pay from Carthagena to Rio Hache.

Q. And Binar, where was he bound to?

A. He came on board the vessel and got protection to be taken away from that place.

Q. Where was he to be landed?

A. At Rio Hache, if we could fetch there.

The ARBITRATOR. What became of the woman that went from Mobile?

The WITNESS. I could not tell what became of her.

The ARBITRATOR. Was she landed at Carthagena?

The WITNESS. She was landed at Port-au-Prince, and in Port-au-Prince she went under five or six different names while she was there.

Q. Have you known one Mr. Caño at Carthagena?

A. No, sir; I do not know him.

Q. Have you heard of him?

A. Yes, sir; I have heard of his name.

Q. Did he come on board the ship?

A. No, sir; he did not.

Q. Did you know he had goods on board your ship?

A. No, sir; I did not know that Caño had, but Cortez sold those goods on board the ship.

Q. Do you know whether the ship's papers were taken and shown to the American consul at Carthagena?

es, sir; they were; Captain Pelletier took those on
nself and entered his papers to the American consul
agena.
you know whether an insurance was made on the
ipped at that time from Carthagena on board the ship
z goods?
do not know whether there was any insurance made
or not.
escribe what is the latitude and longitude of Rio Hache
arison to Carthagena?
is only a short distance from Carthagena; to the
t of it.
hat sort of weather did you have when you left
ena?
ery heavy weather.
hat winds?
ery strong southeast gales and a strong current against

hen you reached Port-au-Prince where did you anchor
p?
ght up in the harbor, sir.
side the harbor?
es, sir.
ou said that the ship was in the hands of the military
ere; for how many days?
or several days.
here was the bullion and gold dust marked "G. D."
at time?
that secret hold in the run.
hen you returned to the ship did you make inquiries
whether that gold dust was taken away, or that gold
er, whatever it was?
es, sir; we made inquiries, but they could not find
at secret hatchway was in the run of the vessel; that
first time they went there.
id Pelletier dispose of part of his cargo at Port-au-

A. What we had on board; he disposed of all that cargo: the Haytien Government bought it.

Q. Was he paid cash?

A. That I cannot say; I was not present at the sale; the government bought it, and I discharged it.

Q. After that lumber was sold to the Haytien Government how was it delivered to them?

A. It was rafted on shore; it was piled on rafts, and then towed ashore by boats.

Q. Where was your ship?

A. In the inner harbor, lying close to the town.

Q. Was any other woman on board the ship from Carthagena to the time of the arrest of the ship at Fort Liberté; was there any woman on board besides those whom you described?

A. No, sir.

Q. When was the name of the ship changed from "William" to "Guillaume?"

A. Her name was only changed from "William" to "Guillaume."

Q. By whom?

A. By Captain Pelletier, when we were going into Fort Liberté, when we saw that the Haytien flag was flying.

Q. What name was on the stern?

A. "William."

Q. What became of it?

A. It was there: "The William, New Orleans."

Mr. Eldredge. Do you say it was changed, or was not changed?

The Witness. It was never changed after she was captured.

The Arbitrator. Was the name of "William" erased or painted over?

The Witness. No, sir.

Q. Were you informed and directed by Captain Pelletier not to speak before the French consul about the nationality of the ship?

A. Well, I could not speak French anyway.

ARBITRATOR. That is not an answer to the question. the question as it was put.

WITNESS. The captain did not say anything to me about

ere you informed that he had changed the name of and changed his own name?

o, sir; I did not hear of any change.

ou were not then at all in his confidence?

was mate of the vessel.

ere you acquainted with these facts by him?

ll Pelletier said was this: "Those who can speak can speak, but those who cannot speak French will ing;" I could not speak French.

you were not in his confidence about the change?

LDREDGE. He did not say there was any change. All was that Pelletier directed that those who could speak night speak, but those who could not speak French y nothing.

was always with Captain Pelletier.

ere you informed by him of this change in his name ne name of the ship; did you know from him or were rmed by him of the fact that he changed his name and another name and changed the name of the ship?

o, sir; I did not know it.

hat explanation did Pelletier give you when you waved ch flag?

one; the French flag was flying at the fore-royal mast-

ow many flags of foreign nations did you have on our ship?

e had several.

ow many American flags did you have?

ne or two.

ow many French flags?

ne.

ad you a Danish flag?

A. Not that I am aware of?

Q. Are you sure?

A. Not that I am aware.

Q. Are you sure there was no British flag?

A. Not that I am aware.

Q. Was there any other flag in the ship?

A. No, sir.

Q. Then there were only the French flag and the American flag?

A. Yes, sir.

Q. Where was that French flag purchased?

A. The French flag was on board when we went on board the vessel.

Q. Was it at Carthagena or Mobile?

A. It was taken from the United States.

Q. Did Pelletier ever tell you why he bought the French flag in the United States?

A. No; there is hardly a vessel that sails out of the United States that does not carry three or four different flags; when I was in the merchant service we had two or three different nationality flags.

Q. Why?

A. In case of war.

Q. Was there war going on?

A. The war broke out in the United States just about that time.

Q. Was there a state of war anywhere in the Antilles in 1860?

A. No; there was no war in 1860.

Q. And in time of peace you provided yourself with a French flag?

A. Every vessel carries different nationality flags in time of peace.

Q. How did it happen there was no other flag than the French flag, if it is customary to carry the flags of different nations?

es, sir; it is.

hen, how many other flags were on board that ship?

here were a few small signals.

hat is another question. Since it is customary, accord-
your statement, for a merchantman to carry several
ow did it happen that you had only the French flag?

hat I cannot answer.

id you have any conversation with Pelletier about those

o, sir.

'hat subjects did you discuss during that voyage?

ARBITRATOR. That is too broad.

did not discuss any subject with Pelletier, that I re-
.

ad you any conversation with Pelletier on the subject
asing different flags of different nations?

o, sir.

'hen did you notice for the first time the French flag
l the ship?

was in the cabin with the other flags.

'hen did you see it first?

'hen we left Key West, Florida.

id you know whether that flag was purchased there, or
of the goods purchased together with the ship at auc-

cannot tell whether the flag was purchased there, or

d you see him purchase flags at Key West?

o, sir.

nd when you saw the ship the first time those flags
ere?

cannot tell, because I was not on board.

here did you see for the first time these French and
n flags on board that ship?

'hen I went on board at Key West.

Q. When was that French flag displayed for the first time alongside of the coast of Hayti?

A. At the fore-royal mast-head.

Q. When?

A. For a pilot.

Q. At what place?

A. Off Fort Liberté.

Q. Not before?

A. No, sir.

Q. Was it at that time that Pelletier changed his name, or were you directed to change the flag without knowing that he had changed his name?

A. That was before we hoisted that flag for a pilot at the foremast head.

Q. Why did not you hoist the American flag for a pilot?

A. That is not customary; you can hoist any kind of flag for a pilot at the fore; you can hoist a blue peter; you can hoist St. George's cross.

Q. Had you no signal flags on board the ship besides those flags?

A. Yes, sir; there were signal flags, if we wished to correspond with another vessel at a distance.

Q. When did you see the French consul; was it at Cape Haytien or Fort Liberté on board the ship?

A. I saw some gentleman there; I did not know whether he was the French consul.

Q. Was he a white man; was he an official?

A. I presume he was.

Q. When did he come the first time?

A. When we were at Fort Liberté undergoing repairs.

Q. Did he come on board the ship?

A. No; I do not think he did.

Q. Where did you see him then?

A. I saw him at Fort Liberté.

Q. On land?

A. Yes, sir; I think I did.

id you talk to him?
o, sir; I could not talk with him.
ere you informed by Pelletier as to what transpired
him and the consul?
o, sir; I do not know what transpired.
ere you informed at that time that the ship went by
e of "Guillaume," instead of "William?"
hat is the French for William.
ere you informed of the change of the name from
into French?
e told the crew that he was going to call the "William"
illaume;" that those who could speak French should
d that those who did not speak French should not
all; that was when we found ourselves at Fort Lib-
ong the Haytiens again.
ask you whether he directed you to call the ship
ume," instead of "William," and to call him "Tel-
stead of "Pelletier?"
did not hear him make that remark.
id he tell you to state that the ship was bound to
n her voyage?
ot to me, sir.
ARBITRATOR. Did you hear him say it to anybody?
WITNESS. No, sir.
here were the ship's papers at that time?
hen we arrived at Fort Liberté?
es, sir.
board of the ship.
d you see them?
ey were on board of the ship, in the captain's posses-

hen did you see them last?
hen he took them on shore at Fort Liberté.
whom did he deliver them?
the authorities at Fort Liberté.
what authorities?
7

A. I do not know the names of the officers.

Q. You did not see him deliver them to the French consul?

A. He took them on shore himself; they took him on shore before they took me; he took the papers in a portfolio.

Mr. JACKSON. He usually kept them in that portfolio?

The WITNESS. Yes, sir.

Q. When he returned did he have the portfolio?

A. The captain did not return on board.

Q. When you arrived at Fort Liberté what did Captain Pelletier do, to your knowledge?

A. He got permission to undergo repairs.

Q. From whom?

A. From the commander of the port.

Q. Through whom?

A. From the commander of the port; I do not know his name.

Q. Was the French consul the party through whom Pelletier addressed himself to obtain that authority?

A. He obtained the authority from the authorities at Hayti.

Q. How long were you repairing the ship?

A. Two days.

Q. During that time who came on board, if any one?

A. Well, I did not take particular notice because I was busy in repairing the vessel.

Q. Do you know whether any one came on board?

A. I did not take particular notice.

Q. Do you know whether any one came on board?

A. I say I was busily employed in fixing my rudder.

Q. During those two days where was Pelletier?

A. On board the ship.

Q. Did you see him talk to strangers?

A. I did not take any notice; I was attending to my work.

Q. What became of the ship after the two days?

A. We got her ready for sea.

Q. What next?

A. That night, when we got ready for sea, I called the sec-

ond mate; it was my first watch from eight to twelve, and I went to call him.

Q. Between the departure of Miranda from the ship and the time you were arrested, how many days elapsed?

A. It was the same day.

Q. At what time was the arrest made?

A. They came and took possession of the vessel in the morning soon after sun up.

Q. You stated that they fired at you; did you answer their fire?

A. No, sir; we had nothing to answer it with; we hoisted the white flag of truce.

Q. In the trial had at Port-au-Prince, were not arms, consisting of guns, pistols, revolvers, powder, cartridges, &c., that had been found on board the ship, exhibited to the court?

A. No, sir; there was nothing of that kind on board the ship.

Q. Are you sure about that?

A. Yes, sir; because I did not see anything of the kind.

Q. You are sure that your recollections are correct as to what transpired at that trial?

A. Yes, I remember.

Q. I now ask you whether, on the 29th of August, 1861, at the sitting held that day in the criminal court at Port-au-Prince, there were not shown to the court, as they are called there, pieces de conviction, guns, pistols, revolvers, powder, handcuffs, lead cartridges, ball cartridges, &c., that were seized on board the ship?

A. No, sir; there was nothing of that kind on board the ship whatever.

Q. I ask you whether they were exhibited to the court?

A. There was three fowling-pieces in the court, and my revolver, that I owned personally, and I carried that revolver for over twelve years.

Q. Was there nothing else; no other guns exhibited?

A. No carbines whatever.

Q. I speak of guns?

A. No, sir; no guns.

Q. Were you examined at that trial at Port-au-Prince as a witness, or as an accuse?

A. Yes, sir; I was in the court-house at that time.

Q. Were you examined by the judge?

A. Yes, sir; I think I was.

Q. What did you state to the judge?

A. I stated there was only three fowling-pieces that Pelletier owned himself personally to hunt game.

Q. Could you state the substance of your evidence given that day?

Mr. ELDREDGE. That is not cross-examination.

The ARBITRATOR. I think the witness can be asked that question; you can proceed.

Mr. CASON. I understood the witness to say that on the trial they would not let him testify.

Q. What sort of a place is Man-of-War Bay?

A. It is a kind of rocky place and stony.

Q. How many inhabitants are there?

A. Only a few.

Q. How many?

A. It is a small island.

Q. How many, about?

A. I have no idea; I was not on shore.

Q. Where did you meet the American consul there; you stated that you met him there?

A. It was in the town, a little above Man-of-War Bay.

Q. What is the name of the town?

A. I have forgotten the name of it; it is on the island of Inagua.

Q. How did you happen to get into communication with the American consul there; was he on that small island?

A. Yes, sir.

Q. Where is the town where he resides; how far is it from Man-of-War Bay, from the port?

is only a short distance; not very far.
'hat do you call "not very far?"
is only a few miles.
o you know who went there to speak to the American

elletier went and got permission to procure ballast at
War Bay.
id he call on the officers there or on the American

e went and saw the American consul.
ow long were you alongside the Mole St. Nicholas, or
eighborhood?
ARBITRATOR. How long were you off the Mole St.
?
ESS. Not more than one day when we were passing

ARBITRATOR. Didn't you stop there?
ESS. No, sir.
CHAMBRUN. When did you part with the "Geffrard?"
t Mole St. Nicholas.
as the "Geffrard" armed?
es, sir; as any man-of-war would be.
om the Mole St. Nicholas, what course did you fol-

e followed up the coast; we were beating up to La

you call yourself a practical seaman acquainted with
ents in those seas?
used to be.
e you not aware of the existence of strong currents
e that coast?
ere are strong currents almost everywhere, even in
lle of the ocean.
you know whether a ship in stress of weather could
ose currents?
me vessels can.

Q. I speak of a ship which is disabled ?

A. She made her headway a little.

Q. I ask you, as a practical seaman, whether the thing is practicable and feasible ?

A. We passed St. Nicholas after the "Geffard" parted company with us.

Q. How many miles from Mole St. Nicholas is it to Fort Liberté ?

A. Well, I cannot exactly tell you how many miles it is: we arrived at Fort Liberté on the 3d day of April.

Q. Where were you coming from when you arrived at Fort Liberté ?

A. That was after we left the island of Inagua.

Q. Which way do those currents run, since you are a practical seaman ; I ask you this question, which way do the currents run alongside the coast of Hayti ; is it south or west ?

A. Some run northeast, some southwest.

Q. Those currents ?

A. Yes, sir ; sometimes they run northeast and sometimes southwest.

Q. Do they change alongside the coast ?

A. Sometimes they change ; I have not been to sea since 1865.

Q. Your recollection must be fresh on that point, since it is so fresh on many others ; let me ask you again which way those special currents run alongside that coast ?

A. I think they run southwest.

Q. That is your answer ?

A. Yes, sir ; I think they run southwest.

Q. Well, with those currents running southwest, how would you meet them with a ship disabled ; would you go up or down the current ?

A. You are getting me now before we got into Grand Cayman.

Q. We are alongside the coast, following from Cape Haytien to Fort Liberté.

fter we left Port-au-Prince, you asked me in the first
here the "Geffrard" parted company with us, and I
it was near the mole St. Nicholas.
am now asking you which way the currents run along
[Pointing out the waters on the northern side of the
f Hayti.]
think they run southwest.
an a disabled ship under stress of weather run up this
ily against those currents?
she has a leading wind she could stem the current.
ad you a leading wind?
es, sir; we had a leading wind after the "Geffrard"
rom us.
fter you left here to reach the Spanish side of the
e didn't have ballast enough on the vessel to hold
.
ask you whether a disabled ship running this way
from Inagua, and going toward Fort Liberté, could go
e currents in a disabled condition, and be able to
e Spanish port of San Domingo?
es, sir; with care and under easy sail.
s a practical seaman, would you regard it as a safe un-
g?
e had to put on preventive backstays.
ask you, as a practical seaman, whether it was a safe
king to endeavor to go up alongside that coast with a
ship?
o, not very safe; we could not do any better than we
er the circumstances.
here did you think you were going when you were
e that coast?
o La Platte.
n your way to New Orleans?
e were on our way to New Orleans until we got into
.

Q. Were you conscious, as a practical seaman, that you were following the most perilous route?

A. Why, we could not follow any other route.

The ARBITRATOR. Was the Haytien war vessel "Geffrard" in the harbor of Port-au-Prince while you lay there?

WITNESS. Yes, sir.

The ARBITRATOR. And followed you out immediately?

A. Yes, sir.

Mr. DE CHAMBRUN. During those days you describe to have been very dangerous, had you many consultations about the position of the ship, its reckonings, etc., with Captain Pelletier; I mean during those days you were alongside that coast in a disabled condition?

A. Of course, because our chronometers did not agree; they were several degrees out of the way; that threw us out of our course.

Q. How did you correct your chronometers?

A. We could not correct them.

Q. When you met Captain Stubbs, didn't you try to correct your chronometers?

A. He didn't know how to correct them; he was not a chronometer-maker.

Q. What information did Captain Stubbs give you when you met him; did he give you the right time, and the latitude and longitude?

A. He gave it as correct as he could.

Q. After you met Captain Stubbs, were you satisfied about the place you were in, and the route you had to follow to reach New Orleans; did you not get some positive information from Captain Stubbs to know where you were going and how to get there?

A. He gave us as correct as he could, but he could not correct our chronometers for us.

Q. Did he give you the right time?

A. How could we keep the right time when the chronome-

ld not run right? he told us we were in a very bad
the banks of Caico, not far from Turk's Island.
id you consult with Pelletier as a practical seaman?
es, sir, and it takes a good, practical seaman; he has
his vessel by dead reckoning.
ask you this question, whether after Captain Stubbs
you were in a bad position, what consultation you
any, with Pelletier?
ll the consultation was that we had to proceed on our
.
ell, what was the best way?
n dead reckoning.
id you proceed on dead reckoning?
es, sir.
here did you find by dead reckoning that you were?
n the coast of La Platte.
hen you knew you were alongside the coast of Hayti?
es; because we could not get anywhere else; her rud-
carried away and her masthead was sprung; we could
eed on our voyage unless we got into a port.
ou passed Cape Haytien, which is a port of entry;
ndition were you in then?
the same condition.
id you not consult with Pelletier as to whether it would
r to go to Cape Haytien?
did not ask him what his intentions were; we were
for La Platte.

Cross-examined by Mr. Boutwell:

r. Collar, in what part of the vessel was this secret
on spoke of?
the run, in the aft part of the vessel, in the stern.
ow large a place was that?
wasn't but a very small place.
ate, in feet and inches, its width; you are a house

A. Yes, sir.

Q. You know the length of a foot?

A. Yes, sir.

Q. State, in feet and inches, the size of this place?

A. I presume the hatchway was about eighteen inches square.

Q. Large enough for a man to enter?

A. Yes, sir.

Q. How was it closed?

A. By the same hatchway.

Q. Was it locked?

A. No, sir; it was just a secret hold, and then caulked to represent a deck.

Q. How was it opened when it was opened; what contrivance for opening it had you?

A. It fitted in close.

Q. How did you open it?

A. We opened it with a small crow-bar; there was a seam into which you could put a crow-bar.

Q. Then the caulking could be seen?

A. Yes, sir.

Q. In the deck of a vessel, the planks generally run in one direction?

A. Yes, sir; most generally.

Q. And the division, therefore, is in the seams?

A. Yes, sir.

Q. If you cut across those planks eighteen inches, it would cross one or two of these planks, would it not?

A. Yes, sir; they are not that wide.

Q. Then there would be either two or three planks cut across?

A. Yes, sir.

Q. And it was into the seam thus made that you inserted the crow-bar to lift up this hatch?

A. Yes, sir.

Q. How large was this aperture when you had it open?

A. Large enough to admit a man.

ould he stand up?
le could step down into it.
low long was it?
t was not over four or five feet long, right in the run essel.
ou knew where this hatchway was?
es, sir.
ou could have opened it at any time?
hose that knew it could.
ou could have opened it at any time?
f I had been so minded.
Vas there any seaman on board this vessel who, if he own of the place, could not have opened it?
here wasn't none that knew it.
ould they not have opened it if they knew the place re?
Io, sir; they could not, unless they had a crow-bar.
Vasn't there a crow-bar there?
Io, sir.
Vouldn't any instrument of iron suffice that you could ce into this seam?
Iot unless they got the caulking out.
Sut that is not indestructible?
t is put in very tight.
Did you go into this place during the voyage from Mo- Carthagena?
Io, sir; not from the time we left.
Did you see this place opened during that time?
Only when the captain exchanged money for gold dust. hat was at Carthagena; did you see it opened on the

Io, sir.
Did you see the seven or eight men who were taken at Prince?
hey were taken as prisoners, six of them.
nd you have spoken of them as being bad men?

A. Yes, sir.

The ARBITRATOR. Mr. Pelletier calls them hide-bounders.

WITNESS. Hide-bounders means very bad characters.

Q. When did you first go into this place in the stern of the vessel?

A. The first I knew anything of it was when we received the money in the lower bay of Mobile.

Q. Did you see it opened then?

A. No, sir; I received the money on board, and the captain's clerk received it and put it there.

Q. You received the money on board at Mobile?

A. Yes, sir.

Q. Was it while the vessel was lying where the lumber was put on board?

A. No, sir; it was brought down in the lower bay.

Q. How far from the wharf where the lumber was loaded?

A. Eight or nine miles.

Q. How did it come down there?

A. It was brought from New Orleans on board of a steamer from Rice, Delauney & Co.

Q. What was that gentleman's name?

A. I do not know, but I can see him now; he had black whiskers.

Q. How many boxes were there; you say you received it?

A. I did not count the boxes; they were brought in by the yard-arm with tackle.

Q. You stated once that gold dust was received there?

A. I take that back; I made a mistake there.

Q. When this barque "William" left Key West, had you any freight?

A. None whatever; she was only in ballast.

Q. What sort of a passage did she make from Key West?

A. A pretty good passage; regular time.

Q. She stood up well?

A. She was a pretty good sailer.

Q. What did you do first when you got to Mobile?

A. She went under repairs; I commenced overhauling her.

Q. What particular thing did you do first?

A. First, to recaulk the outside.

Q. Did you lift her out of the water?

A. No, sir; she was covered below the water line with copper.

Q. When you began to load the lumber, on what did the first lumber that you put in the hold rest?

A. Right on the ship's hold.

Q. On the ballast?

A. We discharged the ballast there for the purpose of taking in lumber.

Q. You delivered the last of that lumber at Port-au-Prince?

A. Yes, sir.

Q. And you did not ballast the vessel at Port-au-Prince?

A. Yes, sir; with about fifty tons of logwood, but she didn't hold up under it; she was too cranky.

Q. When you undertook to ballast her at Man-of-War Bay, did you take out that logwood?

A. No, sir.

Q. How did you dispose of the ballast you put in?

A. We put the ballast on top of the logwood.

Q. Wasn't there any danger of the ballasting shifting, being loaded in that way?

A. No, not when it was packed in that way.

Q. As a fact, the ballast didn't shift?

A. No, sir.

Q. At Man-of-War Bay what did you see or note as to the business of that island?

A. Nothing; we only went there for ballast.

Q. Were people living there?

A. Yes, sir; the natives; they fished for a living.

Q. Were any mechanics there?

A. Yes, sir; there were ship-carpenters there.

Q. There were stores and merchandising going on?

A. Yes, sir; there were two or three stores.

Q. How far from the place where you ballasted your vessel was this accident where you lost your false keel?

A. That was at Man-of-War Bay.

Q. Was the damage very serious to the vessel?

A. Yes, sir; of course it was; we lost two anchors there; there was a heavy gale of wind; she was close to the reef and she was dragging; so I had to slip the anchors and put to sea the best way we could.

Q. You lay on the south side of the island?

A. Yes, sir.

Q. The wind blew from which way?

A. From the northeast.

Q. Didn't the island protect you?

A. I meant the wind blew from the southwest; we had to get away; it was nine days before we got back; when we got back the pilot anchored us too close to the reef.

Q. The accident occurred in consequence of your coming back?

A. We only had a kedge there, and she laid on that reef eighteen hours.

Q. In coming from Inagua to New Orleans by the nearest sailing route, would you go by Hayti?

A. You could go in that direction.

Q. I ask you if that was by the nearest sailing course from Inagua?

A. You could go that way.

Q. I do not ask you that; I ask you whether that is the direct course to go to New Orleans by the shortest possible route?

The ARBITRATOR. The map shows it was not.

Mr. BOUTWELL. I would like to have his judgment on that point.

Mr. JACKSON. He said several times that he didn't intend to go that way, but that she was disabled; they had to work the vessel by dead reckoning.

The WITNESS. The course we steered we could not keep it.

ıronometers were several degrees out of the way of
er.
hen did you discover the defects in the chronometers?
fter we got on shore at the island of Inagua.
ow long after that.
couple of days, when we came to find out and work
eckoning.
what point was the "Alma" bound?
er captain came on board to make us a visit; I think
bound to Kingston, Jamaica; she was running the

ow long did she lie by you?
ıptain Stubbs came on our vessel about two in the
; he saw the vessel there, and he wanted to know
were doing; there was a light wind blowing.
hen did he leave you?
ıptain Stubbs, I think, stayed with us all night.
hen did his vessel leave and get out of sight?
e gave us assistance the next day, and we bought an
nd chain of him, and then he gave us the course as
ıe could.
r what place?
gain a port to repair the damages.
ıt for what place?
Platte.
hat reason had you to avoid a port in Hayti; wasn't
ort in Hayti which, as a matter of sailing distance,
ıve been nearer?
ıat is the only port we could fetch at that time, as far
w.
ere not some of the Haytien ports nearer than La
hen Stubbs left you?
lo not know that they are much nearer.
ıu had some reason for avoiding a Haytien port?
, sir; I do not know that we had any particular rea-
vas because we got into trouble the first time, after the
roke into the store-room.

Q. But that trouble had been all settled and you were allowed to depart in peace?

A. Yes, sir; the way they followed us up it did not look as if they were satisfied; and they could not prove anything about the vessel or anything; they could not prove that we were slavers and pirates, for nothing of that kind was ever intimated: if I knew she was that kind of a vessel, I never would have gone on board of her; it was never hinted at.

Q. What did you take on board as cargo at Port-au-Prince?

A. Logwood.

Q. Nothing else?

A. A few provisions.

Q. Nothing else?

A. And a little water.

Q. And nothing else?

A. No, sir; only provisions.

Q. Didn't you take on some casks?

A. No, sir; we did not; all the water-casks we had on board the vessel were eight.

Q. I do not speak of water-casks.

A. We had no other casks.

Mr. DE CHAMBRUN. Who brought the packages marked "G. D.," and containing gold dust; who brought them on board the ship at Carthagena?

A. It was Captain Pelletier's clerk, Urbain Castay.

Q. Was it in daytime?

A. Yes, sir.

Q. Where were the seamen, the members of your crew?

A. On board the ship.

Q. They saw it brought in?

A. I do not know.

Q. But they might have seen it?

A. Yes, sir.

Q. And the packages were marked "G. D."?

A. They were marked "P."

Q. I speak of the gold dust at Carthagena.

A. Why, the gold dust Pelletier purchased there.

Q. When that gold dust was carried over to the ship who told you that it was gold dust?

A. I could feel it for myself.

Q. Could any member of the crew have seen it?

A. How could they see it?

Q. Were there no other seamen?

A. Yes, sir.

Q. When was that gold dust carried to that secret place which you described?

A. It was brought on board in the daytime, and the captain's clerk——

Q. Before the crew?

A. They had no business in the cabin whatever.

Q. But they saw the gold dust going down to the hole?

A. They did not know where it was put; they had no access to that; it was in the cabin.

Q. Was there any secrecy about the way of bringing this gold dust on the ship?

A. No, sir, no secrecy; it was brought on in daylight.

Re-examined by Mr. Cason:

Q. You spoke in your cross-examination about having an interest in this claim; state whether Captain Pelletier has agreed in any way to pay you any part of this claim?

A. No, sir; he has not made any agreement to pay me.

Q. What do you mean by having an interest in the claim; in your matter or in this matter?

A. I think I have a claim for false imprisonment against the Haytien Government.

Q. You spoke about Caño at Carthagena; state whether you heard of him after or at Carthagena.

A. No, sir; never heard of his name until we arrived at Port-au-Prince and we were arrested.

Q. The secret place you speak of; state whether that was in the cabin or outside of it?

A. It was inside of the captain's cabin, right in the run of the vessel.

Q. Do the sailors of the vessel have access to that?

A. Not unless they could get into the cabin, and they did not know where it was.

Mr. STANTON. We propose to put Captain Pelletier on the stand as the next witness; and, if it is consistent with your Honor's ideas, I propose to let him take his memorial, which is contained in this document, No. 260, and make that his testimony-in-chief, and then subject him to cross-examination by the counsel on the other side. We all have copies of that document.

Mr. BOUTWELL. We have no objection to that, subject to this statement, that we intend to present to Pelletier various documents and papers that we have in our possession, or expect to be able to command, and to question him in regard to those, principally for the purpose of impeaching him; and, therefore, we shall not feel ourselves limited to the particular matters discussed in that document.

Mr. STANTON. I think there is no doubt those gentlemen have a right to bring forward anything that might serve to impeach the claimant.

The ARBITRATOR. Then let it be so understood on both sides.

Mr. STANTON. The document we propose to read is page 65 to 85, inclusive, of Congressional document 260, with the exhibits attached.

The ARBITRATOR. Everything the captain has written or said is in the nature of examination, then; it is so understood.

The Commission was then adjourned to Wednesday, the 24th inst., at 10 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against the Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *December* 24*th*, 1884.

Pursuant to adjournment the Commission met at 10 o'clock A. M.

Present:

Hon. WILLIAM STRONG, Arbitrator.

Messrs. JACKSON, MERRIMAN, ELDREDGE, CASON, and STANTON, Counsel for the claimant.

Messrs. DE CHAMBRUN and BOUTWELL, Counsel for the Republic of Hayti.

The ARBITRATOR. I took occasion to remark sometime ago that I would like to have brought before me Joseph Debreuil and some member, if living, of the firm of Delaunay, Rice & Co. It strikes me that at the present time this is a matter of considerable importance.

Mr. ELDREDGE. The clerk is dead.

The ARBITRATOR. You will see at once that his *ex-parte* affidavit is a very loose one, to say the least of it, and it is very evident that some part of it would be qualified by a cross-examination.

GEORGE H. MERCER,

a witness on behalf of the claimant, was then duly sworn, and testified as follows:

Examined by Mr. STANTON:

Question. State your residence and occupation at the present time.

Answer. I reside in the city of Brooklyn, New York, and am engaged in the mercantile agency business of R. G. Dunn & Co.

Q. State whether you were in Port-au-Prince in 1861?

A. I was there in 1861 for several months.

Q. Did you see Captain Pelletier? If so, under what circumstances, and without the necessity of my repeating the question, just state all you know with reference to this case?

A. From what I saw myself?

Q. Yes, sir.

A. The first time I ever saw Captain Pelletier was in the streets of Port-au-Prince; he turned up one of the streets in Port-au-Prince, and I remember that he was in irons, and there were two other men with him; they had irons also on, I think: there was quite a crowd around him, and there were soldiers with him; this crowd was hooting, and shouting, and buffeting him, and I went into the crowd to see what was the matter, and I inquired why they were following him; they said it was Captain Pelletier, but I don't know whether I heard what he was; I think it was from the papers that I learned that; they shouted, "It is Pelletier, the pirate, who stole a vessel and cargo of lumber;" this was the information I got from the people passing along the street; he was shambling along with irons on.

Q. Describe those irons.

A. I don't know that I took particular notice of them; they were very heavy chains, I think; at this distance of time I can hardly remember them; he had to walk slowly, dragging the chains along with him.

Q. How far could he step with those chains on?

A. My impression is that they were rather confining; he could hardly drag his feet along; whether it was from fatigue or not I do not know, but he went along with a shambling

gait; I didn't follow him; the crowd passed on and I went about my business; a short time afterwards I went, at the request of Mr. Wilson, a man from Boston stopping at the same house with me, to see Pelletier; I think possibly we went to General Lamotte's house; we took some food there, hearing that he was destitute or required assistance, and we saw him; we didn't see the other prisoners; Pelletier was in a small cell; there was a window with a light in front of him, so that we could see him, and he was chained to the floor; that is, he was sitting on the floor; he was reclining, but raised when we went in; there was an iron bar across the room, in this manner, [describing the iron,] and there was a double chain on the bar, one attached to each of his ankles; I noticed that, because he called our attention to the sores on his ankles where the chains had cut him when he was walking in the streets; the bar ran across the room.

Mr. ELDREDGE. How were his ankles; did you see them?

A. Yes, sir; he showed us the sores.

Q. State just how they were?

A. Whether he had stockings on or not I do not know; he called our attention to the sores; I asked him whether I could do anything for him, and I called the consul's attention to the case; he offered me his watch;. he said, I have a watch which I wish you to take charge of and use it for the purpose of supplying me with food; he took the watch out of his pocket; I scarcely got the watch in my hands when the jailer said he would take charge of it, and shortly after that I left; I don't think I saw Pelletier since that time.

Q. How did he take that watch?

A. He snatched or rather grabbed it from me; I didn't take much notice of that from that kind of a man.

Q. You didn't give it to him voluntarily?

A. I intended to take it to the consul, Mr. Lewis, and leave it in his charge.

Mr. STANTON. What was the condition of that cell in regard to comforts or furniture?

A. I don't think there was any furniture in it; I didn't see any; it was a bare floor; I never was in that prison cell before or since.

Mr. JACKSON. Did you notice the character of the watch?

A. No, sir; I don't remember; I scarcely had a chance to look at it even.

Q. Did you notice whether it was gold or silver?

A. I have only an impression that it was a gold watch; I had an impression that it was a valuable one; just as he handed it to me a man took it, and I hadn't a chance even to examine it.

Mr. ELDREDGE. Had it a chain on it?

A. Yes, sir; I think so.

Q. What liberty of motion had Captain Pelletier when you saw him in the cell?

A. Well, he could sit up and lie down; he could get along by shifting the iron bar sidewise by the assistance of his feet.

Mr. JACKSON. Could he stand up?

A. I do not think he could; the bar ran crosswise.

Mr. ELDREDGE. Fastened to the cell?

A. It was across in that manner, [describing the bar as running across the room,] and he was attached in the centre of it.

Mr. JACKSON. Was it a stationary bar?

A. Yes, sir.

Mr. STANTON. Was it a heavy bar?

A. I have a picture of it in my mind; it was a little larger than the arm of this chandelier.

The ARBITRATOR. Then it was about an inch in diameter?

The WITNESS. Yes, sir; I think it was; it appears to have been about that size.

Mr. STANTON. Did you furnish him any food?

A. Yes, sir; we took food with us, and I believe I and Mr. Wilson gave him some money; I don't remember how much it was; I think I was about to leave for the north of the island, and I didn't take much with me; I went to the consul about

that day or the next, and called his attention to the matter, so as to get him to write a letter to the authorities.

Mr. ELDREDGE. Who was the consul?

A. Mr. Lewis.

Q. Is there anything else you remember of importance?

A. Nothing of my own knowledge—nothing but hearsay.

Mr. JACKSON. Who was the Mr. Wilson you refer to?

A. I only met him at the house of a gentleman in Boston or Cambridge; he employed prisoners under contract to work for him; I don't think I know what his work was.

Q. Where is he now?

A. He is dead; my brother told me he committed suicide; he told me that he was trying to make plates for currency; he was an engraver; the plates were intended for the printing of paper dollars, but the government had been changed about a year or so before that from an empire to a republic, and they were reforming their financial matters and beginning to have a new currency; I saw him afterwards in Boston; he asked me to go up into his office.

Mr. ELDREDGE. Did you make any communication of what you saw to any of the Haytien authorities?

A. I think I saw one of the ministers afterwards, but I am not certain; I saw them about some affairs of my own, and I think I called the attention of the minister to it, so that he could do what was possible for Pelletier.

Q. Do you remember his name?

A. I do not remember.

Q. Did you make an affidavit of these facts?

A. I think I did some years ago in New York, and I told Pelletier what I knew, and I think he drew up an affidavit.

Q. Do you recollect what year it was that you made this affidavit?

A. I saw it in the paper, and I think it was in 1864; I could not have known the year otherwise, I think.

Mr. ELDREDGE. When you made this communication to the Minister of Hayti what did he say about the matter?

A. My memory is so indistinct that I cannot very clearly bring it to my mind as to what was said; my communication with him was simply a matter of humanity; I had no special interest in behalf of Pelletier.

Q. Did you inform him of what you stated here?

A. I have a vague impression that I spoke to him about it, namely, that I had taken him food and left the matter in the consul's hands.

Q. You state the populace were buffeting Pelletier; what do you mean by that?

A. Some were striking him and some were throwing things at him; I am not certain about that, however; they were galling him, striking him, perhaps with sticks; I do not know that it was very severely, except that it was in a galling way, for the purpose of tormenting.

Q. Did you see any officer having him in charge?

A. There were several soldiers about him; I think the soldiers could hardly be distinguished from the citizens in that crowd.

Mr. ELDREDGE. The affidavit of the witness is found on pages 88 and 89 of Congressional Document 206.

The ARBITRATOR. That is very brief.

Mr. JACKSON. Do you know how Pelletier was clad when you first saw him?

A. I only saw him for a moment.

Q. But how was he clad when you saw him in the cell?

A. I cannot say distinctly; I think he had a coat on; there was nothing remarkable about his dress at the time, or I should have noticed it.

Cross-examined by Mr. DE CHAMBRUN:

Q. Have you met the Mr. Wilson whom you refer to since you saw him at Port au Prince?

A. I only met him at Boston once and talked with him.

Q. On what business was he in Boston?

A. From what I understood from himself, he wanted to

make a contract in regard to the currency; he told me it would pay.

Q. Have you had the means of knowing whether he carried on that contract with the Government?

A. No, sir; I never heard of it one way or the other.

Q. Have you known Mr. Lewis, the commercial agent?

A. Yes, sir; I knew Lewis in 1858 and '59; I was there several months in 1860 and '61; I think Lewis was consul at that time, and I was a great deal with him.

Q. Is he dead or alive?

A. I have never heard of him since until this morning.

Q. Where did he come from?

A. I think he came from Illinois; he was a school teacher there; I think he told me so himself.

The ARBITRATOR. What time was this you saw Pelletier—what time in the year?

A. It was along in the spring or summer of 1861.

Q. Can you fix it more definitely?

A. I think it was in that year; I went out there in February, and was there during several months; I think it was in the summer; it was May or June probably; in August, I think, I was in the North.

Mr. STANTON. If your Honor please, I understand that Mr. Collar, who has been here since he gave his testimony, since reading it over desires to make some corrections; we desire to ask him several questions.

The ARBITRATOR. You may state in what particulars you wish to ask these questions.

THOMAS T. COLLAR

then resumed his testimony, as follows:

Examined by Mr. CASON:

The WITNESS. There are some few items which I forgot the other day, until I looked over the letter which I wrote to Mr. Lincoln in 1862 in regard to my condemnation; it was on

the 29th day of August, 1861, that I was condemned; and then while I was in Port au-Prince a person came to me, one Lamotte, several times and tried to bribe me and John Henry Brown to testify against Captain Pelletier, and also General Carrie came to me on two different times; I said, "No, sir; you haven't enough money in Hayti to make me swear to a lie."

The ARBITRATOR. You have said that already.

A. But General Carrié came to me afterwards and tried to bribe us both, if we would testify against Pelletier; I wrote a letter to Mr. Lincoln, and then I saw that we were condemned on the 29th of August, 1861; I made a mistake; when we were there, a week seemed like a month.

Mr. CASON. Is there anything else?

A. Yes, sir; when we lost our anchor and chain off Carthagena it was the fourth day out; we were getting underway and the chain parted; that is where we lost the first anchor.

Q. Go on about the other matter.

A. There was a seaman on board, I think, by the name of Charles Derve; he was sick and didn't recover; I should have said the other day that it was Cienfugos, but he died at Port-au-Prince.

Q. How long did you stay in Cienfuegos?

A. About a week; we were in quarantine four days; we were from Georgetown when we had this sick lady on board.

Q. State what was done, if anything, in relation to the treatment of this person?

A. The captain got a doctor from shore, Dr. Howard, to attend to this sick person; he came on board the vessel; that is all I remember.

Recross-examination by Mr. DE CHAMBRUN:

Q. Do you remember a man named Cæsar, who was on board?

A. No, sir; I don't remember a man by that name.

Q. Do you remember a man named John—

A. No, sir; I don't remember the names.

Q. Do you remember whether any one came on board at Carthagena besides Cortez, his wife, his servant, and his child?

A. Yes, sir; this refugee, named Binar.

Q. Do you remember any one else?

A. Yes, sir; a pilot and a boy.

Q. What was the name of the boy?

A. I forget his name.

Q. Was it Quarteros?

A. I do not remember the name; it was so long ago.

Q. How is it that there are things you remember so well, and others you do not remember?

A. The names are so curious that I don't remember.

Q. Don't you remember the number of people that came on board at Carthagena?

A. Yes, sir.

Q. Well, how many were there?

A. There was Cortez and his wife and child and servant, and this refugee and a boy and a pilot; that is all I remember.

Q. What became of that boy and that pilot?

A. They were on their way to Rio de Hache.

Q. What became of them afterward?

A. We had to take them with us.

Q. Where did you take them?

A. To Georgetown.

Q. What did you do with them at Georgetown?

A. They went back in the schooner with Cortez.

Q. Those two?

A. Yes, sir.

Q. The pilot and the boy?

A. Yes, sir.

Q. Who paid for their voyage?

A. Everything was settled right there.

Q. You mean that everything was settled with the pilot and the boy?

A. Yes, sir.

Q. By whom?

A. By Captain Pelletier.

Q. On what terms?

A. I do not know.

Q. Why do you say everything was settled amicably if you do not know?

A. Because everything was settled.

Q. Do you know of your own knowledge that it was settled?

A. Yes, sir; because I signed the protest at the American consul's.

Q. You say you don't remember whether that party was called Cæser or not?

A. Well, I don't remember his name, because my memory is too indistinct; it was a long time ago, and there are many things I don't remember.

Q. When you testified the other day, you stated, if I remember aright, that the currents and winds along the north side of Hayti were from the southwest—that they were southwesterly currents.

A. I think I told you northeast.

Mr. Eldredge. He corrected himself afterwards.

Mr. de Chambrun. In reading over your testimony I find that you didn't answer my question, whether a ship in a disabled condition could beat to the windward alongside that coast, and succeed in making any headway?

A. A little headway.

Q. A disabled ship?

A. Yes, sir; if she was under easy sail.

Q. You were under easy sail?

A. Yes, sir; we could not carry very heavy sail on account of her spars being sprung.

Q. Had you been alongside that coast before?

A. No, sir; not until after we were beating up to La Platte.

Q. I mean to say on any former voyage?

A. No, sir; I never was there before until I was there in the bark "William."

Q. What books were on board to guide you in your line of navigation?

A. There was Blunt's Coast Pilot, and then there was an epitome to find out her latitude and longitude by the logarithms.

Q. Did you read, before entering Fort Liberté, the description of that place in these books?

A. No, sir; I didn't read them myself.

Q. Do you know whether Captain Pelletier read those descriptions?

A. I presume he did, because he had to refer to Blunt's Coast Pilot to steer.

Q. When did you leave Port-au-Prince the first time, when you were accompanied by the "Geffrard?"

Mr. ELDREDGE. Are we going over all this testimony again?

The ARBITRATOR. It is not necessary.

Mr. DE CHAMBRUN. I submit, your Honor, that in reading the testimony there is no clear answer to these questions. If this witness had not been present here to-day, I would have suggested that we send for him and examine him.

Q. When was it in the month that you left Port-au-Prince on board the "William?"

A. Well, sir, it was in February or the beginning of March; I am not certain.

Q. Do you think it was in February rather than March?

A. Well, I will not be certain; it was in one or the other of those months; when we were captured it was on the 5th day of April, 1861.

Mr. BOUTWELL. You say that it was the fourth day out from Carthagena that you lost your anchor?

A. Yes, sir.

Q. Are you sure of that?

A. Yes, sir; I am pretty positive about it.

Q. By what circumstance do you fix it?

A. Because we were making way towards Rio de Hache.

Q. How great a distance did you make?

A. Not more than ten miles.

Q. The fourth day?
A. Yes, sir.
Q. Do you think it was that day?
A. Yes, sir.
Q. You were about ten miles from Carthagena?
A. Yes, sir.
Q. Which way was the wind?
A. Northeast.
Q. Was it blowing towards Carthagena?
A. Yes, sir; and there was a heavy sea at the time.
Q. What was your capacity on the bark "William?"
A. Chief officer.
Q. What do you mean by that?
A. I was first mate.
Q. Did you continue to be the chief mate?
A. Yes, sir.
Q. How long?
A. Until we were captured.
Q. You say you held that position when you left Mobile?
A. Yes, sir.
Q. All the time?
A. No, sir; I was the second mate when we left Mobile.
Q. When were you made chief mate?
A. At Carthagena.
Q. Did you know Samuel D. Gerdon?
A. No, sir; I was not personally acquainted with him.
Q. Have you any recollection of such a man?
A. That was the name that I had for my protection; I had that same name; he gave me that for my protection.
Q. Who gave you it?
A. The shipping-master.
Q. Where?
A. At Mobile?
Q. Did he know you before you shipped?
A. No, sir.
Q. How came he to give you the name of Gerdon?

A. I told him I wanted a blank, but he didn't have a blank; he had this paper all filled out.

Q. How did that happen?

A. I took that paper because he hadn't a blank; I don't know how he got it.

Q. You signed your name on certain occasions as Samuel D. Gerdon, didn't you?

A. No, sir; I don't think so.

Q. How did you sign your name?

A. Thomas T. Collar.

Q. Were you at Grand Cayman on the 20th of December, in 1860?

A. Yes, sir.

Q. Do you remember signing any paper there?

A. Yes, sir.

Q. How did you sign your name?

A. Thomas T. Collar.

Q. You think so?

A. Yes, sir; but I will not be positive.

Q. Can you read the English language?

A. I will not be positive about it.

Q. Look at page 129 of Congressional document 260, and look at the names appended to a certain protest there, and say whether you signed that or not?

The WITNESS. (After reading protest.) Yes, sir; I signed my name to that.

Q. Why did you sign that name?

A. Because that was the name on my protection.

Q. Did the shipping-master put that name upon your protection?

A. No, sir; it was already filled out.

Q. And you took another name not your own and shipped under it?

A. Yes, sir; at that time.

Q. Do you mean to say that you signed shipping articles by the name of Gerdon?

A. Yes, sir.

Q. Then you went on board this vessel by a name that was not your own?

A. Yes, sir.

Q. What was your reason?

A. Because I could not get a blank.

Q. How many days were you at Mobile?

A. Several days.

Q. You had already been employed at Key West?

A. Yes, sir.

Q. When did you first know Captain Pelletier?

A. At Key West.

Q. Was that the first time you ever saw him?

A. Yes, sir.

Q. How many days after you saw him that you agreed to go with him?

A. Two or three days after.

Q. How did you happen to be at Key West?

A. I was in the United States revenue service.

Q. What name did you go by at Key West?

A. Collar.

Q. When did you change your name?

A. I asked the shipping-master at Mobile for shipping articles, and he said he had no blank.

Q. Then you took another name?

A. Yes, sir.

Q. And when you got to Grand Cayman you still adhered to that name?

A. Yes, sir; because it was on my protection.

Q. And when you were at Port-au-Prince you still had that same protection?

A. Yes, sir.

Q. Why did you change your name to Collar at Port-au-Prince?

A. That was my original name.

Q. Was there any reason why you should have one name at

Cayman that didn't exist when you were at Port-au-

o, sir; there is no reason I can think of.
hen there was no reason at Grand Cayman for signing
me Gerdon?
hat was on my protection.
ow many days were you in Mobile before you sailed?
Vell, we must have arrived there some time in Septem-
we left there in the latter part of November.
hat was about six weeks, then?
omewhere about that.
oes the shipping-master live at Mobile?
presume so; that's the man that brought the protec-
ne.
ARBITRATOR. What do you mean by protection?
o protect an American seaman in a foreign country.
hen it was a certificate from the officer of the custom-
at you were an American citizen and shipped on that

es, sir.
OUTWELL. You knew where the custom-house at Mobile
n't you?
o, sir; I didn't go to it.
ACKSON. The shipping-master is not necessarily a cus-
se officer; it is a kind of private profession; it is like
a private boarding-house.
VITNESS. He is just a shipping agent.
ELDREDGE. Then he is not an officer of the Govern-

e is just a shipping agent.
e is not an officer of any responsibility?
o, sir.
OUTWELL. Then you considered yourself bound by the
gave you?
es, sir; at that time.
id you ever see that paper afterwards?
9

A. No, sir.

Q. But you had it in your possession?

A. It was among the captain's papers.

Q. Did Captain Pelletier know your name was not Gerdon?

A. He knew what my name was.

Q. What name did you go under then?

A. Samuel D. Gerdon.

Q. The sailors knew you as Gerdon, then?

A. Yes, sir.

Q. Have you any other reason except what you have given for changing your name?

A. Nothing except that protection; several seamen whom I have known have gone under a different name.

Mr. JACKSON. Is it not a common occurrence to go by a different name, just the same as on the stage?

A. Yes, sir.

Mr. BOUTWELL. Did you ever use the name of Gerdon after you left Grand Cayman?

A. No, sir.

Q. Why didn't you use it afterwards?

A. It was used until after we were captured.

Q. Did you intend to indorse what was said by the counsel as to persons going by names not their own?

A. It is a very common thing.

Q. What was your pursuit before you went on the "William?"

A. I was in the revenue service.

Q. How long?

A. Three years.

Q. Previous to that?

A. I was in New York State for some time.

Q. Did you ever go by any other name at any other time?

A. No, sir.

Q. This was your first appearance, then, under another name?

A. Yes, sir.

Did you know when you signed that paper at Grand
n, in 1860, what it contained? Did you read it?
I don't remember now what it was.
Do you know how it was prepared and by whom?
It was prepared by the American consul.
ARBITRATOR. Don't he know whether he signed it or
?
ELDREDGE. He says he don't remember now.
BOUTWELL. I presume the secretary has what he said;
t necessary to debate it. By whose authority was that
prepared that you signed at Grand Cayman?
It was prepared in connection between Mr. Cortez and
n Pelletier.
refer to this paper that I showed you in this book; do
ow how it was prepared?
have not read it.
Didn't you read it at the time?
I don't remember.
This paper states the time of the departure of the vessel
Carthagena and the condition of the ship and of the
and on the 6th day of December, 1860, she sailed from
t of Carthagena laden with a cargo and bound to the
Rio de Hache; how do you know that time was fixed as
been the 6th of December?
The log-book will show that.
Do you know that?
Yes, sir; the log-book will show it.
At 8 A. M. came to anchor at Boca Chica; at 10 A. M.
er way and stood to sea; fresh breezes and clear." Do
ow how those facts were obtained?
From the log-book; the log-book tells you everything.
Do you know that this was taken from the log-book?
Possibly it was.
What do you think about it?
think it was.
On the 7th pleasant weather, beating to windward; on

the 8th inst. strong northeast gales." Do you know that those statements are from the log-book?

A. Yes, sir; everything is from the log-book.

Q. "At 3.07 a. m. came to anchor off Point Canoe, blowing heavily; both anchors ahead, with a heavy sea." How far is Point Canoe from Carthagena?

A. I do not know exactly.

Q. "At 5 p. m. hove up the best bower; at 6 a. m. parted the chain, blowing heavily from northeast; made sail and stood to sea." That was when you lost the best bower?

A. Yes, sir.

Q. In view of this statement, do you still adhere to the statement that the best bower was lost on the fourth day out?

A. Yes, sir; that is my memory; the log-book states everything.

Q. Did you have any consultation when the best bower was lost as to what should be done?

A. Not that I remember.

Q. What was the practice in those seas as to the navigation of a vessel bound from Carthagena to Rio de Hache, as to holding during the day and sailing by night, if there was any practice?

A. What she would lose on one tack she would gain on the other.

Q. I want to know whether a vessel bound from Carthagena to Rio de Hache with a current setting from the northeast, and with the wind from the northeast, would undertake to sail during the day?

Mr. Eldredge. I can't understand that question myself.

The Arbitrator. I don't think myself that counsel has laid a foundation for showing this practice; the practice is a general thing, and a foundation must be laid.

Mr. Boutwell. I do not ask him as an expert, but whether he has any knowledge as to what the practice was.

Mr. Eldredge. What practice do you mean—the practice of vessels generally or the practice of this vessel?

Boutwell. From your experience on the coast of New
a, I want to know whether it is practicable for a sail-
sel to make headway during the day from Carthagena
de Hache?
Not often, except when a leading breeze comes up.
Then you sailed by night with a land breeze?
Yes, sir.
During the day was it not necessary to hold by your
to prevent your vessel drifting backward?
Yes, sir; we had to come to anchor when we met these
st winds, with a heavy sea against us.
You knew the character of the currents there at the time
t your best bower?
Yes, sir; but we didn't suppose we were going to lose it.
But after you did lose your anchor, do you remember
nversation with Pelletier as to what should be done?
No, sir; not until Cortez came and asked Pelletier to
his course on account of his wife.
When did Cortez first express a desire to be put ashore,
ng to your own knowledge?
When we lost our anchor.
How long afterwards?
A day or two after.
After you lost your best bower did you sail with the

We had a leading wind after we left Carthagena.
That took you, then, in what direction?
That took us to the Grand Cayman.
But by the compass in what direction from Carthagena?
don't remember.
What do you think?
The log-book will tell you.
What do you think was the direction?
t was so long ago.
Don't you know the direction?
A man will forget in these long years.

Q. How far were you from Carthagena when you lost your best bower?

A. That I cannot exactly say.

The ARBITRATOR. How many anchors had you when you left Mobile?

A. Four anchors and a kedge when we left Mobile; two best anchors and two port anchors and a kedge.

Mr. BOUTWELL. Had you lost any anchor before you lost this bower off Carthagena?

A. That was the first that we lost off Carthagena.

Q. Then you had one best anchor left?

A. Yes, sir.

Q. And you had two others; what did you call them?

A. Port anchors; they were smaller anchors.

Q. Having three anchors and a kedge, could not you have held the vessel during the day in that current?

A. Well, we didn't want to lose any more than we had lost.

Q. Was it not possible to hold that vessel with the anchors you had remaining?

A. We had to get the anchors out.

Q. You didn't undertake to do that?

A. Not at that time; not after we lost the best bower.

Q. Do you know why, when Cortez wished to be set on shore and you were only two days out, Pelletier didn't return to Carthagena with those people who wanted to be landed, as you say you were only ten miles from Carthagena?

A. Cortez didn't ask the permission.

Q. You say that within a day or two they asked to be put ashore?

A. That was after we lost the best bower.

Q. But you say you lost your best bower only ten miles from Carthagena; why didn't Pelletier put back and land those people at Carthagena?

A. I do not know.

Q. That, then, was not a matter of consultation?

A. No, sir.

JACKSON. Was this protest made up from the log-book?
I presume it was.
Who kept the log-book?
I kept the log-book.
What became of that log-book?
I don't know what became of it.
When was the last time you saw it?
At Fort Liberté; I had a private log of my own, and that
ken from me.
In whose hands was it?
In my hands when we were arrested; I never saw it
rds; I kept the ship's log separately, and I kept a private
my own.
What became of the private log?
The Haytien authorities took it from me, with all my
letters and papers.
CASON. How long before you sailed from Mobile was it
is shipping-master came on board the ship with this
you spoke of?
The same day; we were getting ready for sea.
How long was it before you sailed?
It was between morning and 4 o'clock in the afternoon;
Mobile in the evening and dropped down in the lower

You stated that sailors had a custom of frequently receiv-
erent names from shipping-masters?
Yes, sir; when they can't get blanks filled out; if they
anks filled out they hand them over.
Was that shipping-master an officer of the Government?
No, sir; he was no officer that I remember; he was a
shipping agent.
You can state whether you made any inquiry for any
t blank or paper to be filled up from the shipping-
?
Yes, sir; I asked him whether he had any blank not

filled out; he said he had none with him; he didn't think to get any before he came on board the vessel.

The ARBITRATOR. What time was this paper given to you by the shipping-master?

A. It was between 12 o'clock and 4 in the afternoon.

Q. When you last anchored off Carthagena, what kind of weather had you the next few days?

A. We had heavy northeast winds and a heavy sea.

Q. What was the weather some days after you lost your anchor?

A. There were heavy winds for some days after and a heavy sea running with it; there are northeast trades and southeast trades.

Q. Is it not a fact that you did not use your other anchors on account of the gales?

A. On account of the gales and heavy sea.

Mr. STANTON. I wish to present to your Honor for your indorsement two motions which are prepared; as we understand, the protocol engages that each Government will furnish such testimony as the Arbitrator considers necessary; I therefore submit these motions to your Honor for your approval.

MOTION.

ANTONIO PELLETIER
vs.
THE REPUBLIC OF HAYTI.

Before the Hon. WM. STRONG, Arbiter.

The plaintiff, by his counsel, moves that the arbiter will inform the Hon. Secretary of State that the testimony of Lieutenant Pradine and ——— ———, citizens or residents of Hayti, is important for the plaintiff in this case, and that the Secretary be requested to procure the attendance of said wit-

t this trial, or cause their testimony to be taken in such as the arbiter shall prescribe.

FRED. P. STANTON,
Of Counsel.

, 1884.

ke the above request.

W. STRONG.

MOTION.

NITED STATES
vs.
HAYTI.

Before Hon. WM. STRONG, Arbitrator.

claimant, Antonio Pelletier, through his counsel, the Arbitrator to request the Secretary of State to ask Government of Great Britain to procure, for the use of itration, certified copies of such records or log-book of oner Alma as relates to the meeting on Caico with the William in March or April, 1861, if any such refer- pears in such records.

A. L. MERRIMAN,
Of Counsel.

, 1884.

ke the above request.

W. STRONG.

DE CHAMBRUN. I do not think that it is the duty of one Governments to procure the attendance of witnesses. It he parties themselves to procure the testimony by means rs rogatory or otherwise.

ARBITRATOR. It is very probable that the United States use the request contained in these motions.

STANTON. We have had some conversation with the Sec- of State on the subject, and although he didn't definitely

state what his opinion was, I think that the evidence will be sent for.

Mr. JACKSON. I will suggest to your honor that there is a record of the French Government containing a censure of the French consul for his course towards Captain Pelletier, and we would like to have that.

The ARBITRATOR. I do not think there is any necessity for that; you may assume that the French consul's treatment of Mr. Pelletier was bad.

Mr. ELDREDGE. My associate refers to the surrender of Pelletier to the Haytien Government.

The ARBITRATOR. What difference does it make if the Haytien Government had jurisdiction over this matter?

ANTONIO PELLETIER,

the claimant in the above-entitled case, being first duly sworn, deposes and says:

Examined by Mr. STANTON:

Question. The witness will state the circumstances under which that memorial was drawn, and whether it contains the facts of the case as he believes them to be at the present time: are there any remarks he wishes to make in explanation?

Answer. After my escape from Hayti I went to Kingston, Jamaica, and at once presented myself to the American consular agent, Francis Ruggle, and began then to take testimony, sending to Grand Cayman, which was under the jurisdiction of the consular agent of Jamaica, to Mr. Eden, vice-consul there, to take testimony of the party who knew all about the transaction between Cortez and myself; several of the parties who were present at Grand Cayman when these transactions took place came to Jamaica before Francis H. Ruggles; he died in my house in New York; we began to take all the testimony of the witnesses which were present and knew all about it; after we got all we could get from Grand Cayman and Jamaica, Mr. Ruggles, the consular agent, myself, and his

iled on board of an English steamer for New York, ishing the means to pay my passage, as I was penni- e went to the Astor House, and next day we came to gton, this city; Mr. Francis H. Ruggles introduced me Seward, then Secretary of State, and the moment Mr. presented these affidavits and these proofs to Mr. he gave order to the chief clerk of the State Depart- give me an inspection of all the papers in relation to , so that I might make my memorial; in the State De- t, which was alongside of the Treasury Department, red that I should have a room, so that Mr. Ruggles ke the notes not only from the affidavits, but my rela- the whole transaction, which was then fresh in my nd for a month or six weeks poor Ruggles, who could ork, worked and worked on that memorial, under my , which was fresh in my mind; after we presented morial to Mr. Seward, Mr. Ruggles asked Mr. Seward steps to claim from that Government damages; the of Mr. Seward was this: "It is not judicious for the nment of the United States, in the period of the war, m damages against a Republic of negroes; you will o wait;" well, we did wait; then poor Ruggles died; r. Fish came in as Secretary of State, he refused to ything to do with it, because of Seward's despatch No. at book [referring to Exec. Document No. 260;] the ministration didn't recognize that Mr. Seward had re- that case; then I went to the House.

TANTON. Simply confine yourself to a statement now that memorial is true, according to your best knowl- d belief.

WITNESS. It is true to my best recollection; I have I dictated it; at that time it was fresh in my mind.

ARBITRATOR. It was true as far as he himself knew the I understand it; but considerable of it seems to have rned from others.

Mr. STANTON. The facts stated on your own knowledge are true?

The WITNESS. Yes, sir.

Q. Is there any explanation you wish to make of any fact?

A. No, sir.

Mr. JACKSON. What you state on information and belief, you believe to be true?

The WITNESS. Yes, sir.

Mr. STANTON. The Arbitrator, the other day, made some reference to the statement in your memorial of the purchase of the vessel for the sum of ten thousand dollars; have you any explanation to make on that point?

The WITNESS. I did not buy it directly from the Government of the United States, but from Mr. Packerd, who did buy that vessel from the United States; I bought it from Mr Packerd; whether he overcharged me or not, that is the sum I paid for it.

Q. Did you state in that memorial the condition of the vessel and the damages?

A. When I bought the vessel she had a flying 'tween deck: the first thing I did was to order that to be taken down, and the boards were sold by me; they had on board a cooking apparatus for slaves, which I sold for six dollars; the boards were sold, and the vessel was cleaned entirely; it was white-washed inside, and I put the ballast of stone on board.

Q. State, if you please, about the money you claim to have placed on board that vessel, what your object was?

A. I think it is expressed in that memorial; my object was this: I used to procure five-franc pieces, which were worth ninety-four cents in value, and I was changing these five-franc pieces for one hundred and ten cents of cut money; these old Spanish moneys were all pure silver and all sorts of shapes, and I was buying gold dust at the rate of two hundred and fifty dollars a pound, which would bring me about ten per cent at the mint, and I was making on my capital altogether between twenty-five and more per cent. every three months.

ere did you get the five-franc pieces?
y were consigned to me from Paris.
you know what has become of that clerk of Rice and
?
er the war, about 1865, I met him in New York, and
o my house, on 27th street, and saw Mr. Ruggles,
that affidavit which is now in evidence here, and he
going to Savoy; since then I lost sight of him; that
y years and more ago.
BITRATOR. Where is that?
part of France now.
ANTON. What do you know of the house of Rice,
d Company?
ve lost sight of them altogether; I was yesterday
that I should get positive evidence as to the money
and Company, but I think both of them, Rice who
glishman, and Delauny who was a Frenchman, that
ead; so I am informed.
oss-examined by Mr. BOUTWELL:
ere were you in the month of January, 1860?
ink I was in New York.
o, how long a time before that?
e 1850.
e you away at any time?
he winter time I was sometime in Nassau and some-
avana, in the cold weather.
it for business?
regard to my health; I do not like cold weather.
e you a voter in those days?
, sir.
you have property there?
, sir.
e month of January, 1860, what business were you
?
ink I was in New Rochelle, in New York.

Q. What business were you engaged in?

A. Always the shipping business.

Q. In the city of New York?

A. Yes, sir.

Q. To what parts of the world?

A. I had seventeen ships belonging to me.

Q. You are speaking of the month of January?

A. I cannot say exactly in January, 1860; I think I was in New Rochelle then.

Q. What were you doing?

A. I think, a shipping broker.

Q. Did you own any vessels?

A. Yes, sir.

Q. What were the names of the vessels?

A. One was the "Ardennes."

Q. Was that a vessel licensed?

A. It was an American ship?

Q. Was it registered?

A. Yes, sir.

Q. Where was the "Ardennes" doing business?

A. Between New Orleans, Havana, and New York.

Q. Did you have any trouble about her?

A. I did; in Havana the vessel was transferred to me, and as I could not obtain a register of the American consul, I agreed to go into Florida—Jacksonville—to get a new register; when the vessel was transferred I went to Jacksonville, and then I got my register; there was a man there of the name of Grote—a Dutch name; he was United States marshal and postmaster in Jacksonville, Florida; he made affidavit that, on information and belief, I was fixing that vessel to go into the slave trade; of course, I was required to give bonds; the vessel was unloaded, and a trial took place before Judge McIntosh and my crew was examined, and it was held there was no ground for the arrest; so we were discharged, and next day a public meeting of indignation took place, and you have the

paper by which all the citizens said it was one of the greatest outrages ever committed in Jacksonville.

Q. Were you at Havana when this vessel was transferred?

A. Yes, sir; I was at Havana.

Q. Who was the owner?

A. A Captain Marsh.

Q. Where did you first become acquainted with Marsh?

A. In Havana.

Q. And when?

A. I do not remember.

Q. Give the year?

A. I think it was 1857 or '58.

Q. What season of the year was it?

A. It was in the winter time?

Q. Did you sail in her from Havana?

A. Yes, to Jacksonville.

Mr. ELDREDGE. I do not want to make objections to the fullest examination of Pelletier; but what has that do with the case that Pelletier had trouble?

The ARBITRATOR. I am not certain about it; it has not gone far enough for me to determine; I think that as testimony was taken in the mass, there should be pretty large liberty given to the other side.

Mr. ELDREDGE. We don't desire to restrict the cross-examination.

The ARBITRATOR. I do not know whether it has a bearing on the case.

Mr. BOUTWELL. I have no disguises; I proceed upon the idea that this whole claim is a fallacious and criminal proceeding.

Mr. ELDREDGE. Criminal proceeding!

Mr. BOUTWELL. Well, I take back that; it is a false proceeding, and, if I am not restrained, I purpose to examine this gentleman at length.

The ARBITRATOR. Go on, then.

Mr. BOUTWELL. In what year was it that you purchased the Ardennes?

A. It was in 1857.

Q. In the winter season?

A. Yes, sir.

Q. Did you have command of her from Havana to Jacksonville?

A. Yes, sir.

Q. Do you consider yourself a good navigator?

A. I am not vain, but I believe I can call myself a good navigator.

Q. You took that vessel into Jacksonville?

A. Yes, sir.

Q. What became of her afterwards?

A. After she was liberated, I cleared her for the Canary Islands.

Q. What cargo did you have?

A. Sugar, rum, cigars, etc.; a general cargo.

Q. What length was the voyage from Jacksonville to the Canary Islands?

A. About five weeks, so far as I now remember.

Q. Where did you go from the Canary Islands?

A. I did not go to the Canary Islands.

Q. I misunderstood you; where did you go?

A. I had to beat 22 latitude south; the wind was dead east; I had to go as far as 22 south, and on the other tack I was not able to reach St. Helena.

Q. Are you speaking of the Ardennes?

A. Yes, sir.

Q. Were you on board of her?

A. Yes, sir.

Q. How near to the Canary Islands did your ship go?

A. I went inside of the island on the other tack; on my other tack in trying to reach the Canary Islands, an English man-of-war, the Pluto, tried to bother me; he heard report from Jacksonville; tried to come and search my vessel; I forbid him because there was no treaty.

Q. What flag did you carry?

'he American flag; I gave myself up to the American
of war Marion, Captain Brand.
n what latitude and longitude was that?
t was about 7 latitude south.
nd longitude?
bout 18 west.
Iow, what happened after you gave yourself up to Cap-
and?
Ie said he had heard about me in Florida, and, as the
man-of-war had interfered, he had better send me to
ted States, and put Lieutenant Weaver in command of
el, and we sailed to New York.
'hat was the tonnage of the Ardennes?
bout 250 or 300 tons.
ow many men did you have when you sailed from
ville?
bout eight men before the mast, a cook and steward
self.
nd starting from Havana how much time was occu-
fore you reached New York and while your vessel was
e of the officer of the United States navy?
might have been between two months or two and a
nths; I don't know.
ow long were you detained at Jacksonville?
hey had to unload the ship; I was there about one

ou said you were about five weeks from Jacksonville
Canary Islands?
es, sir.
hen you went very far south?
bout 22 south.
eviewing that, do you still adhere to that statement as
me between your departure from Havana and your ar-
New York?
was so many years ago I cannot remember; I don't
have any mistake.
40

Q. It must have been several months?

A. I don't remember the time, it was so long ago.

Q. Do you think it was in the year 1857?

A. I think so.

Q. I think you said in 1857?

A. 1857 or '59.

Mr. Boutwell. When you returned to New York what did you do next?

A. The marshal came on board and I went before the commissioner, and the case was dismissed half an hour afterward: the libel was dismissed and my ship was returned to me.

Q. What was your next experience?

A. I sent her to New Orleans to be sold.

Q. Did you go in her?

A. No, sir.

Mr. Eldredge. We have gone far enough, I think, to see that this has no connection with the matter.

The Arbitrator. I cannot say so at this time. It may not have any weight, but it seems to me it has a bearing upon the case.

Mr. Boutwell. If you wish to argue this point I have some observations to make.

The Arbitrator. I do not think I shall be misled by the testimony; I think I can see a remote possible bearing that this evidence has on some other parts of the case.

Mr. Boutwell. At what time were you most largely in the Australian trade?

A. I was in the Australian business in 1851–'54.

Q. While you were in the city of New York?

A. Yes, sir; No. 98 Wall st.

Q. Were you owner of vessels at that time?

A. Yes, sir; about 15 or 16 ships.

Q. How long did you continue in that business—that amount of business?

The Arbitrator. That seems rather remote.

Mr. Boutwell. That may be true, but the claimant sets

forth as a man of great wealth when he undertook this se.

ARBITRATOR. Between 1851 and 1860; I think that is oo remote.

BOUTWELL. When did you arrive at Key West in 1860? think I arrived, so far as I can remember, some time but I am not positive about the date.

rom what place did you go to Key West?

rom New Orleans, touching at Havana, and from to Key West.

what vessel?

the "Star of the North," or "Star of the West"—a ip.

s passenger?

es, sir.

hy did you go to Key West?

o buy this vessel.

id you know the "William?"

knew that such a vessel was to be sold and sold cheap?

ou knew that she had been condemned as a slaver, and e sold cheap?

es, sir.

ow long were you in Key West before the sale?

was not present at the sale.

adn't you arrived there at that time?

o, sir; I hadn't.

id you know Mr. Packerd, who purchased the vessel, hat time?

es, sir.

hen did you get acquainted with him?

ther in Havana or Key West; it has passed out of my ; a good many years before.

what business was he engaged before that?

at I could not answer.

hat was he doing at New Orleans?

ying goods to put in his store at Key West.

Q. Then he had a store at Key West?

A. Yes, sir.

Q. Did you see him at New Orleans just before purchasing this vessel?

A. I could not remember.

Q. Did you have any conversation with this man about purchasing the vessel before that time?

A. I think Delauney had, because Delauney wrote me about it; that was one of the reasons, because the first purchase was between Rice and Delauney and Packerd.

Q. That is, they instructed him in the matter?

A. I do not know about that.

Q. But they had some correspondence?

A. They had some correspondence.

Q. How long after you arrived at Key West did you pay Packerd, if you paid him?

A. I think the money was paid by Delauney by draft, so far as I can remember, and charged to me on the books.

Q. The books of Delauney?

A. Yes, sir.

Q. And this vessel was bought with your money?

A. Yes, sir.

Q. Why did you not take the bill of sale in your own name?

A. I did.

Q. In your own name?

A. Yes, sir.

Q. And you transferred it to whom, if anybody?

A. To Delauney.

Q. To Delauney & Co.?

A. No; to Delauney alone.

The Arbitrator. Let me ask you one question at this point: in the register of that vessel at New Orleans the name is mentioned as Delauney; that is the same person you are speaking of?

A. Yes, sir.

Mr. Boutwell. What was the first name of Delauney?

A. I don't remember; I think it was Emile.

)o you know how he spelled his name?
)elauney.
Vho made oath to the ownership of that vessel at New
?
)elauney, probably; he had to do it; I transferred it
uney, my partner, for the purpose of obtaining a New
register, which I could not do as belonging to New
that was my intention; I took back a bill of sale from
ey, which the negroes stole from me.
'hose papers you have not got?
Io, sir.
Vhen did you cease to be a citizen of New York?
ince I came to Washington, more than 16 years ago; I
ed in the same house for sixteen years.
the manifest of that vessel you are described as of
rleans?
'he vessel was described; I do not know.
Vhat was your plan of the voyage when you left Mo-

had a contract with Julio Arbolada, of New Grenada,
g some lumber, a certain kind of lumber, for a plank
om Boca del Toro to Chiriqui, from Mobile; I procured
ber to be sawed on purpose, and I paid for it and loaded
el with lumber entirely; when I arrived at Carthagena,
la had opened a revolution.
ask what your plan of voyage was before you sailed?
o go and return and take a cargo of guano, and to sell
ew Orleans, as we had a large demand for guano from
ons.
'here did you expect to get the guano?
n an island called Buida; I am not certain of that
it is a small island close to Navassar.
'as there anything else in contemplation except that?
o, sir; except to go to New Orleans and unload, and
t again.

Q. Had you been in the Carribbean sea at any time previous to this?

A. Yes, sir; a great many years; I ran away from home when I was eleven years old and afterwards shipped as an apprentice with Blanchard, of Portland, Maine; I took command of a ship afterwards.

Q. When was that?

A. From 1831 to 1840, as apprentice.

Q. And during that time did you visit the islands and other parts of the Carribbean sea?

A. Yes, sir; pretty nearly all the islands were known to me as a sailor and officer.

Q. Had you been to Carthagena?

A. Yes, sir; and sailed from Carthagena; I knew nearly everybody there.

Q. How long a time after you purchased this vessel did you sail from Mobile?

A. I could not state positively; I think it was about two or three months; I am not positive.

Q. Have you stated in your examination-in-chief everything that was done to that vessel at Key West?

A. I don't remember.

Q. This morning you stated everything that was done?

A. Yes, sir.

Q. The 'tween deck was taken out and the boards sold?

A. Yes, sir; and the vessel was cleaned and whitewashed.

Q. If you have stated in your memorial that $6,000 were paid for repairs at Key West, do you adhere to that?

A. I will explain the $6,000: A certain party slipped my anchor and ran away with the ship, and I had to pay salvage: I had to pay for capturing the vessel between Havana and Key West when they brought it back; I had to take that vessel away from the flats because she was run ashore, and I had a great deal of expense; I had to buy anchors and everything else; she was on a flat; that would cost me about $6,000.

Q. You say you paid Packerd $10,000?

said no such thing; I said Delauney did.
ut it was on your account?
es, sir.
hen you paid it, didn't you?
guess I paid it.
id you not know when you were at Key West the price
ch this vessel was sold at auction?
o, sir.
as Packerd your agent in purchasing the vessel?
e was the agent of Delauney?
as he ever required, within your knowledge, to make
tement as to what was paid by him, by Delauney or

could not tell you.
hen you mean to have it understood that you paid,
inquiry, to Packerd $10,000 for this vessel?
didn't pay him $10,000; Delauney paid him.
ut on your account?
es, sir; that was between Delauney and myself.
ut you were there?
knew it by the report of Delauney, and I knew the
as to be sold.
nd you knew you were to be charged $10,000 for that

I was informed.
nd you had been in the business of purchasing vessels?
great many.
ow, then, at that time, what was a wooden vessel of
s worth, new and copper-bottomed?
ELDREDGE. You had better confine yourself to that par-
essel.
BOUTWELL. He has said he knew what vessels were

ARBITRATOR. How can you ascertain what a thing is
the market except by the price of similar articles?
ELDREDGE. If he knew this vessel, and bought this

vessel, he is to be asked that question with reference to this vessel; but certainly he ought not to be asked with reference to other vessels.

Mr. BOUTWELL. I asked him whether he bought many vessels, and whether he had had much experience, and he said yes.

The ARBITRATOR. I think this is proper evidence; I think it is the way to show the value of this vessel by showing what vessels of a similar character were worth; there is no other way of ascertaining the market value of a piece of property.

The WITNESS. Now, as to vessels of the class of the "William," copper-bottomed and with copper fastenings, as she was, $40,000 for a vessel like that would not be too much; I say, copper-fastened, as she was.

Q. That would be $200 a ton?

A. I do not know about the weight; you have asked me for a vessel of 220 tons; the "William" was a great deal more than 220 tons, so that if you would multiply the tonnage so as to make $40,000, it would be a great deal less.

Q. What persons were on board the vessel when you sailed from Mobile—that is, when you left the wharf?

A. I could not name the persons I sailed with by their names. Sailors ship with all sorts of names; I took the names as they were put down by the shipping-master.

Q. What names did they go by?

A. I could not remember.

Q. Do you remember none of them?

A. I remember Thomas H. Gerdon.

Q. He went by that name on your vessel?

A. Yes, sir; it was on the shipping articles, and I never inquired about his real name.

Q. But how did you address him?

A. It was Mr. Gerdon.

Q. How long did you continue to call him Mr. Gerdon?

A. I think in Carthagena he referred to a certain history of Cooperstown, and to parties he was acquainted with, and the author who wrote those maritime works; I forget his name—

, Fennimore Cooper; then he gave the name of his
, whose name was Collar; he then explained to me
Key West, where he shipped, the shipping-master had
im a new protection, and he could not get his name on
ers.

hat was at Key West?

t was at Key West or Mobile.

Vhat other persons on your vessel do you remember
ou left Mobile?

Vhen we left Mobile that evening Delauney was on

t Mobile?

es, sir; then there was Castay, my clerk, and his sister;
ere was my crew, the steward, the cook and myself.

Vhat hour of the day did you sail from Mobile?

t was about eight o'clock in the evening; I was towed
eam-tug.*

ou went out of the harbor that night?

es, sir.

nd what incident of importance first occurred after you
harbor of Mobile?

was a beautiful night; the moon was shining; the
y there came up a stiff breeze.

othing happened that night?

ot to my recollection.

idn't you speak to any vessel or have any communica-
h anybody?

ot to my recollection; when the pilot left me I had a
d.

idn't you get any information from New Orleans after
Mobile?

ot to my recollection; I remember that Delauney left
, and that we took a glass of champagne together; we
ry happy to shake hands, and he left the ship.

---

itness made a statement in explanation of this answer at the session
ary 15, 1885.

Q. How far from Mobile were you when he left?

A. He left with the pilot when it appeared that I was out of danger.

Q. He then went back on the pilot boat?

A. It was a tug that towed the vessel out of the harbor.

Q. Who owned the tug?

A. I do not know.

Q. Had you nothing to do with the tug?

A. No, sir.

Q. After the tug left you didn't you have an interview with some one on the water?

A. No, sir.

Q. Didn't you meet a boat?

A. No, sir.

Q. Going back to Mobile, what was put on as freight?

A. Nothing but some bread, which was shipped to a German in Carthagena; I forget his name.

Q. Thirty-six casks of bread?

A. No, sir; not casks.

Q. You had a quantity of lumber?

A. Yes, sir; full of lumber.

Q. And also lumber on deck?

A. Yes, sir; and a deck load.

Q. What else was put on board at Mobile?

A. There were two kegs of powder that I afterwards sold to the Haytien Government.

Q. What was your purpose in taking the powder?

A. No purpose at all; I had no cannon to use it with.

Q. Had you no reason for taking it?

A. No reason; even now I don't remember whether it was me who put it on board or whether it was sent on board.

Q. Why wasn't the powder on the manifest?

A. It was there; I have no doubt of it, because it went on shore.

Q. Have you mentioned everything that was put on that

when you sailed at 8 o'clock; you have mentioned some
and kegs of powder?
Nothing else, to my recollection.
Was there anything on it that had been put on it at an-
ime?
There were the dishes and plates which I took on board
the vessel was at the side of the wharf.
Nothing else?
CASON. You are now addressing yourself to 8 o'clock.
BOUTWELL. I am asking him about the time she sailed.
CASON. But this was in the lower bay.
When did you first speak to a vessel?
Well, it came on very foggy weather when I passed be-
Cuba and Yucatan; I had to go by sounding; I could
e a reckoning by the sun, and until I came to Cartha-
didn't see a vessel.
Didn't you speak a ship or craft of any sort?
No, sir.
Did you have any insurance on this vessel?
Probably I had; Delauney had charge to make insur-
nd everything of that kind.
Didn't you take any pains about it?
I left that to Delauney to do.
When did your partnership with Delauney commence?
About 1852, I think.
You were then in New York?
Yes, sir.
Where was he?
In New Orleans.
Did you have correspondence with him from time to

Yes, sir.
How often did you see him in those eight years?
Ten or twelve times.
Do you say you cannot give his whole name?

A. I think it was Emile Delauney, as near as I can remember.

Q. When did your acquaintance with Rice begin?

A. On his return from England in 1859 or 1860.

Q. Do you mean it then to be understood that you had no intercourse with any person or vessel, outside of your own, from 8 o'clock until you arrived at Carthagena?

A. Yes, sir; until we arrived at Carthagena.

Q. What did you do on arriving at Carthagena?

A. I unloaded my deck load; there was a revolution there, and I could not dispose of my cargo; I unloaded my deck load and left it in charge of Mr. Matthieu, the consul, and gave 2,000 feet of lumber for the Free-Mason's lodge, as a brother, to complete a temple.

Q. What other transactions took place at Carthagena?

A. A man by the name of Cortez solicited me to take a passage, and he had a lot of cargo, bags of corn, soap and matting, and we made an arrangement together that I should charge him for going to Rio de Hache $500; we agreed to that, and I took him, his wife, servant and boy.

The Arbitrator. Five hundred dollars from Carthagena to Rio de Hache?

A. That was the agreement.

Mr. Boutwell. What other business transaction took place at Carthagena?

A. I bought from different persons gold dust, with five franc pieces.

Q. Can you name the parties from whom you bought it?

A. Some from Mr. Matthieu, the American consul, and some from a French gentleman who was in that business, but I forget his name.

Q. From Antiocha?

A. The gold dust is from the Province of Antioquia; it comes down from the river Magdalen to Carthagena.

Q. How much did you buy there?

A. I think I bought over $30,000 worth.

And what did you pay for it?
Two hundred and fifty dollars a pound.
Was this gold dust assayed?
Well, we use a test, and if the gold is pure we buy it; ise we don't.
Then you paid at the rate of $250 a pound in five franc where did you get them?
From France.
How did you get them?
Delauney sent his clerk with it to Mobile.
What did you do with it?
put it in the ship.
Before you sailed?
No, sir.*
Was that entered on the manifest?
No, sir; why should I make a manifest in sailing out; the manifest generally when I go into port—that is, oreign port.
Was there no statement made to the officers of the cus- at this specie was on board?
No, sir; there was no need of it.
ask you what was the fact?
do not know.
And how about the powder?
ELDREDGE. He said the powder was put on.
BOUTWELL. On the manifest?
ELDREDGE. Not the manifest.
Whose specie was that?
t was mine.
Yours?
Yes, sir.
How did you pay for it?
paid for it in money.
n what way?

witness made a statement in explanation of this answer at the session uary 15, 1885.

A. By the general transactions between my firm and myself.

Q. Within the six preceding months what did you deliver to Delauney and Company to indemnify them for this specie and for the payment of the vessel?

A. They generally collected; they were cotton brokers, and they collected a pretty large amount of money and my share of the profits; they used to pay themselves; if they owed me they used to send a draft on New York to pay me.

Q. You mean to say that in the month of August, 1860, there was that amount due you by them?

A. Yes, sir.

Q. After you returned to the United States, did you go to New Orleans—that is, after the affair at Hayti?

A. While the war was going on I don't think I went there.

Q. Did you go to New Orleans after you returned?

A. After the war, yes.

Q. When?

A. About 1867.

Q. Were Delauney and Rice doing business?

A. They disappeared; I asked Mr. Felston and others, but the firm had disappeared.

Q. When did you sail from Carthagena?

A. I think, as near as I can remember, it was in the month of December, but I am not positive.

Q. How far is Rio de Hache from Carthagena by the sailing line?

A. I think it is over 100 miles.

Q. In what direction?

A. Northeast.

Q. You say that Cortez took some freight on the vessel?

A. He did, sir.

Q. What was it, and what was the weight of it?

A. It was matting and boxes of soap and corn.

Q. Weighing how much?

cannot tell you: I suppose about 25 pounds; a box of ch.

And the corn, how much?

About 100 pounds each bag.

And how much did it all weigh?

They might weigh 100 pounds each.

And there was some matting?

Yes, sir.

Was there anything else?

Yes, sir.

Was there some tobacco?

Yes, sir.

And this tobacco weighed how much?

A bale of tobacco probably weighed 100 pounds, and were a large number of them.

That was the freight you carried to Rio de Hache, for you received $500?

Yes, sir.

When you sailed from Carthagena what took place first; tracted your attention?

When I sailed from Carthagena a strong gale came up e northeast; it was a season of the year when gales ed generally from the northeast, and vessels on that ot dismasted by the strength of the wind, and I began backward into Tacao, as near as I can remember, for three days; the pilot told me if I wished to get along de Hache I had to come to anchor when those gales ld wait for a land breeze so as to get ahead; I came to at a point called Point Canoe; there I lost my best and then I would not risk my ship to go into a gale inferior chain and a small anchor, and I beat as far as to windward, but the wind was strong and I drifted; wo points of drift by the log.

Two points an hour?

Yes, sir.

How far is point Canoe from Carthagena?

A. About 20 or 25 miles; I cannot remember; if I had a map and compass I could tell you.

Q. If you had wished to return to Carthagena you would have had wind and the current both with you, would you not?

A. Yes, sir; but I wanted to proceed on my voyage.

Q. How long was it after you lost your best bower before you abandoned the idea of going to Rio de Hache?

A. Not before four or five days afterwards; there were constant gales from the northeast, and Cortez came to me on the poop deck and said, "My wife is in pain and I am afraid she will have a miscarriage; I want you to put into Jamaica or any port in that direction;" I said, "No, sir;" because I thought if I got closer to the tropic I would have a lighter breeze and get to Rio de Hache; he then insisted, and finally I consented; I then kept trying to reach Kingston, Jamaica: the only port that I had on my lee bow was Grand Cayman, and I put in there.

Q. What day of the month did you reach Grand Cayman?

A. I cannot remember.

Q. Was it in December?

A. The protest will show that; it was so many years ago, and I don't want to make a mistake; the first thing I did was to make my protest.

Q. What persons had you on board the vessel when you left there?

A. My crew.

Q. What did they consist of?

A. Well, there was also Cortez and his wife, and eight men before the mast; Cortez, Mrs. Cortez, his servant, the boy, and a pilot.

Q. What became of the boy and the pilot?

A. I do not remember whether I discharged him in Grand Cayman or in Port-au-Prince, and I could not swear positively: it was either one or the other of those places.

Q. What was the understanding when you took the pilot at Carthagena?

understood that, he knowing the coast so well from gena to Rio de Hache, he ought to receive so much in it for his labor; what that should be I cannot remem- w.

'hen he expected to go to Rio de Hache?

'es, sir.

Iow about the other men?

'he boy was with him.

'as it his boy?

think it was.

t was a boy he had charge of?

'es, sir.

)o you recollect what you did with that party?

either discharged him at Grand Cayman, and he went ortez to Jamaica, or at Port-au-Prince he was dis- l; it was at one or the other of these two places.

'hat did you do at Grand Cayman besides selling the y?

'he first thing I did was to note my protest before the an consul, and giving him orders to extend the protest, I could get my crew to sign it; then the consul went e to hunt up an apartment for Mr. and Mrs. Cortez, got an apartment for them; then the consul went on with me, and all my private stores, such as sugar, tea, ich could not be purchased on shore, I made a present Cortez and his lady.

'ou made them a present of them?

'hen I gave my account for the $500 to Mr. Eden, jr., to Cortez, and Cortez said he had no money; then he said willing to let his cargo go, provided Mr. Eden would pay freight; Mr. Eden agreed to do so; there was a schooner the "Caspian" on the other side of the island; the er came along, and they began to transfer the goods of on board the Caspian; the consul was on board, and hey were discharging the goods, they advised Eden that ere damaged, and they were re-transferred; Cortez

said, "Let's have an auction," and Mr. Eden caused a publication to be made at once, and a large concourse of people came on board, and the auctioneer began to sell the goods; but the goods not bringing the price which Cortez thought they ought to bring, they were bid back on purpose to be returned to Mr. Cortez, and the goods were left on board; Cortez came on shore then, and said, "I want you to buy those goods from me," and I offered him double price; I paid him fifteen hundred five-franc pieces;* from this the freight was deducted, and the passage by me paid to Jamaica in Mr. Eden's vessel; on the 24th of December we took supper together in the house of Mr. Eden; my crew wanted to stay there on Christmas; I didn't want to let them get drunk, and I just weighed my anchor and left, after shaking hands with Cortez in a friendly manner.

Q. Then you received $500 for the transportation of Cortez and his freight?

A. Yes, sir; and sending him back to Jamaica; he went on board with his cargo to go to Jamaica, and never made any complaint in Jamaica of anything, which he might have done.

Q. You sold about 20,000 feet of lumber?

A. Yes, sir.

Q. That was the deck load?

A. Yes, sir.

Q. You didn't open the hatches?

A. No, sir.

Q. Then Cortez's freight was on deck?

A. No, sir; that was the deck load, and we took out three or four casks, which are generally put down in the hold; there was a space where we put that little cargo, and lashed the casks on deck.

Q. Then the cargo was on deck?

---

* The witness made a statement in explanation of this answer at the session held January 15, 1885.

No, sir; it was down below; we hoisted up the water
nd put the cargo there.
Did you take a clearance from Grand Cayman?
Yes, sir; of course.
For what place?
For Port-au-Prince.
Did you go direct to Port-au-Prince?
No, sir; I touched at Cienfugas.
s that on the route.
Yes, sir; it was right on my route.
s that the customary route to go to Cienfugas?
t is to go to San Domingo.
s that the direct route?
That is the only direct course you can take.
What is the distance from Grand Cayman to Cienfugas?
f you will let me look at the chart I can tell you right

Well, look at that map on the table and state the direc-
om Grand Cayman?
t is north—pretty due north.
What is the direction from Grand Cayman to Port-au-
?
The direction is east.
What is the direction from Cienfugas to Port-au-Prince?
East—southeast.
Which is the longer, from Grand Cayman to Port-au-
or from Cienfugas to Port-au-Prince?
f the wind blew—
mean which is the longer line?
f you have a heavy gale you might make for Cien-

What did you do at Cienfugas?
Nothing, except I had a sick person; a doctor who is now
adelphia, Dr. Howard, was on board, and cured the per-
o was sick.
When you arrived did you enter the inner harbor?

A. I do not quite know.

Q. Were you in quarantine?

A. Yes, sir; immediately on my arrival.

Q. Where did you put the pilot and boy off?

A. I don't know whether I discharged them in Grand Cayman or Port-au-Prince; I am under the impression he was on board, but I am not sure.

Q. Did you receive a letter from Delauney & Co. or any member of the firm after you left Mobile?

A. No; I don't think I did.

Q. Not at any time?

A. No, sir; I don't think I did.

Q. Are you sure about that?

A. Well, I don't think I did.

Q. Did you receive any letter from anybody in New Orleans that had anything to do with your vessel?

A. No, sir; I do not think I did.

Q. What letter do you refer to in your memorial on page 83; what letters are referred to there?

A. I cannot remember what I received; they were fresh in my mind then; I cannot place it now; if it was put in my memorial it must have been true; I cannot tell if I received it or where.

Q. "These letters, because guano, the article to which they related, was not named in them, they pretended to believe referred to slaves," &c. Do you now have any recollection of them?

A. I remember that such letters were mentioned in Hayti, but to tell you whether I received them I could not; such correspondence must have been received, but I cannot tell exactly when.

Q. Did you write to Delauney & Co. or any member of the firm after you left Mobile?

A. Yes, sir; I think I did.

Q. From what port or place?

I think I wrote from Carthagena; I wrote from Car-
a, and sent my letter by the English mail.
After your troubles at Port-au-Prince and Fort Liberté,
n directly, or through the American consul, make any
ntation to Delauney of the troubles you were in?
Yes, sir.
What consul?
Mr. Lewis.
Do you know whether he received any reply from De-
?
I do not know, sir.
What island did you name this morning as an island
which you expected to obtain guano?
An island called Buida, and there are plenty of islands
coast of Yucatan full of guano.
In your memorial, page 69, you use this language: "At
u-Prince, before my troubles with the authorities began,
d one Vil Maximilian, who was employed in some small
ssions for the ship, if I could procure some fifty men
few women to go the island of Navassa and load my
with guano, if I could get permission from the Haytien
nment to do so." Is that true?
Yes, sir; I made that proposition.
Had you been acquainted with the guano islands in the
bean sea?
Well, this one belonged to Hayti, although it was in
ssession of a company at Baltimore; I do not know
rty; I understood that the party was from Baltimore that
nted that island from Hayti.
How did you expect to use fifty men and a few women?
Very easily; you have a certain distance way up in the
where you have to carry the bags to load the ship.
This was in possession of an American company, you

I didn't tell you that I was going to Navassa; I told
at I expected to go to Buida, a little island.

Q. Had this vessel ever been used for guano?

A. Not to my knowledge.

Q. What is the effect upon the value of a vessel to put her in the guano trade?

A. Nothing at all, sir; I had plenty of ships loaded with guano.

Q. What happened first that you recall after you arrived at Port-au-Prince between you and the Haytien Government?

Mr. ELDREDGE. On the first occasion?

Mr. BOUTWELL. Yes, sir.

The WITNESS. When I was unloading my lumber I was on shore at a hotel, and when night came my crew broke into my store-room and spoiled a large amount of provisions and liquors, and Mr. Collar reported the fact to me, and I immediately went to see the American consul, Mr. Lewis, and asked him to have an order, as was the custom, to the justice of the peace that those men should be put in jail; then I gave order to him to send four or five men on shore, and when they came on shore they took the sailors and put them in jail; then LaMotte got some of the men to make complaint against the vessel; that she was a slaver, and Captain Pelletier was a pirate; those affidavits were sent to Mr. Lewis, the American consul, by Mr. LaMotte; Mr. Lewis showed them to me, and said: "What's the matter with those people; are they crazy?" that was his expression; that very night I was in bed when Collar came and reported that the ship was full of soldiers, and I went on board; I met there General Carrie, the commander of the port of Port-au-Prince, and the district attorney, and the captain of the port, and a large body of soldiers; I went and asked them what business they had there; they said it was by the order of LaMotte, the minister of police, that they were; I asked whether they had permission of my consul to do so; I said, "If you do not leave this ship instantly I will abandon the ship and you must pay for her; they immediately left and went on shore; then I told Collar if those men came back just put the flag on the ladder and say they must

mple on the American flag, and if they do so, then the crew to the American consul; in the night they re- and trampled on the American flag, and my chief offi- yed my order; I went with the crew and reported to nerican consul; I filed at once eight protests; two days rds, General Geffrard, the President of the Republic, r Mr. Lewis and me, and he handled LaMotte very , and said he was always putting Hayti in trouble, and ne to take back the possession of my ship; I said I not do it; that they had done me damage; he said, "I y you for this damage if yon will take back the ship;" "On that condition, I will;" I sent at once to my clerk, steward and mate, and ordered them to say in each of epartments how much damage was done; each one sent ist of the destruction done, which amounted to about ; I gave the president of the body of lawyers at the o was my attorney, my bill, so that he could present it ident Geffrard; when Geffrard saw it he would not pay it I took back the possession of my vessel, and all the n the harbor of Port-au-Prince, belonging to a great ations, hoisted the American flag at the fore to salute oicing that I took back my ship; that made the au- s of Hayti very mad, and they made threats against me.

At that time had you sold the powder?

A long time before that: by-the-by, I will get the wit- o sold it.

How long did you remain at Port-au-Prince?

Until the whole cargo was discharged; then I took some and some log-wood.

What did you take for ballast?

Some stones and this Brazil wood.

And you cleared for what port, if any?

For New Orleans.

About what time was that?

The memorial tells; I cannot remember what it states.

What port did you make?

A. I sailed from Port-au-Prince, but finding that my vessel was too cranky, I went to Grand Inagua, to a place called Man-of-war Bay; I took my ship's crew, four men, in my quarter boat and went to town, about 10 or 15 miles from the bay, and presented my papers to Mr. Sargent, the American consul, and asked him to get permission to break stone for ballast; he obtained the permission; we then began to load the stones, and while I was breaking that ballast a gale of wind came and struck the vessel; she was drifting very fast and went on the rocks; I had to give order to slip my chains and buoy them and put to sea with the men I had hired to break the ballast; I hoisted their canoes on board and sailed to sea; I was 8 or 10 days at sea before I got back; I was drifting on the coast of Cuba, and was only about 10 miles from Cuba; as I had no anchor on board, after landing the men, we went on the reef; I had all my instruments damaged, and it carried away my false keel and rudder, which was hung by one pintal, so that I had to put the tackle on each side of the ship to keep the rudder on the rudder-post.

Q. When you arrived in Inagua where did you anchor your ship?

A. In Man-of-war Bay.

Q. You went there first?

A. Yes, sir.

Q. Is Georgetown on the other side of the island?

A. No, sir; on the same side, a short distance from there.

Q. What side of the island is that?

A. Right on the east side of the island.

Q. Which way was the wind or hurricane blowing?

A. The wind was blowing from every quarter of creation; it struck from the northeast.

Q. Your lee shore then was to the west?

A. I was close to the rocks; it was lee shore for the time until I got away.

Q. On which side was the lee shore?

A. On the west side.

And you were drifting toward that?
Yes, sir.
Which way was the wind that drove you there?
I think it struck me first from the northeast, as far as I nember; I know it blew very hard.
You lost an anchor there?
I lost two.
What anchors?
My two best bowers.
You started from Mobile with two best bowers?
I told you that the anchor on the starboard side is the ower; after losing it at Carthagena I put to sea; that y best bower then; then the other anchor was bower too.
When you returned you tried to find your anchors?
Yes, sir; but the buoy had sunk, and so I lost them.
What injury did your vessel sustain at Inagua that inter- vith her sailing qualities; I do not speak of her rudder?
Both of her topmasts were sprung, and I was obliged to ome preventive ties to sustain them, and I could not out; I lowered down my royal yards and put them on k to ease the vessel; I could not sail my vessel; it was ngerous under these circumstances.
Then she was pretty badly injured?
Yes, sir.
Both for navigating her and for sailing?
Yes, sir; the false keel being gone, the vessel could not the wind as she ought to have laid.
Did the injury to your chronometers occur in that gale?
Yes, sir; after she went ashore.
You were perfectly secure before that?
Yes, sir; perfectly.
Now, then, when you left Grand Inagua where was it urpose to go?
I purposed to go right straight to New Orleans if I could re.
Through what channel; north of Cuba or south?

A. Cuba is way down to the Carribbean Sea; I was going by Inagua and the Bahamas and run into the Gulf of Mexico on to New Orleans; that was my route.

Q. How is the current there?

A. The currents are very changeable.

Q. I mean the general course?

A. Generally they run from northeast to southwest, but three days before the full of the moon and three days after, and also three days before and after the new moon, the current changes and runs from southwest to northeast; that is known by every sailor.

Q. Did you make any headway westward from Inagua?

A. I got westward from on Caico; I thought then I was passing between Grand Inagua and Small Inagua; that is the time I saw that schooner that put me on my right road.

Q. Do you say you went between them?

A. I thought I was going between Grand Inagua and Small Inagua; there is a passage between these two islands, and I found myself near the Banks of Caico.

Q. Did you get there by sailing or by drifting?

A. Partly by drifting and partly by sailing.

Q. What happened there?

A. Captain Stubbs came on board in the night from the schooner "Alma;" he stayed on board all night, and looked at the state of the ship; I bought from him some provisions and an anchor and chain, for which I paid him in a pound of gold dust; I gave him $250 worth; he took out some gold coin and returned me my change; that was the only money I had to sustain my crew and myself at Fort Liberté; that was the only thing that escaped the Haytien Government.

Q. After leaving him what happened?

A. I knew then where I was; I passed by the banks of Caico, and I tried to reach the Dominican Republic at Port La Platte.

Q. Why did you try to reach La Platte?

A. Because I didn't want to go to Hayti, where I had so

much trouble; I could not go to New Orleans in my condition, and so I tried to go to La Platte; so I then dropped down to Fort Liberté.

Q. Which way was the current from the banks of Caico?

A. I don't know.

Q. Did you drift to Fort Liberté?

A. I partly drifted and partly sailed.

Q. Did you see the island of Tortugas when you sailed from Grand Inagua?

A. I don't remember now.

Q. Had you ever visited La Platte before?

A. No, sir; I never had.

Q. What sailing directions had you?

A. Blount's Coast Pilot, as it is on board of every ship.

Q. Does it not contain a description of Port La Platte?

A. Yes, sir.

Q. And also of Fort Liberté?

A. Not to my knowledge.

Q. You didn't see it?

A. That port was not open to commerce, and at that time Hayti was not recognized by the United States.

Q. Did you suppose when you were near Fort Liberté that you were near La Platte?

A. Yes, sir.

Q. From what circumstance or fact did you come to that conclusion?

A. Because it gives a description of a fort as Fort Liberté, and I saw my mistake the moment I came in; but the wind was blowing from the sea, and I had to go in.

Q. You didn't read a description of Fort Liberté?

A. No, sir; I didn't want to go there.

At this point the Commission adjourned to Friday, the 26th instant, at 10 o'clock A. M.

IE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

UNITED STATES
vs.
PUBLIC OF HAYTI.

---

e Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *Friday*, *Dec.* 26, '84.

ant to adjournment, the Commission met at 10 o'clock

nt:

Arbitrator, Hon. WM. STRONG.

s. JACKSON, MERRIMAN, CASON, STANTON, and EL- Counsel for the claimant, and Mr. BOUTWELL and Mr. MBRUN, Counsel for the Republic of Hayti.

ross-examination of the claimant, ANTONIO PELLETIER, n resumed by Mr. BOUTWELL.

BOUTWELL: The other day in your testimony you men- n island from which you expected to obtain guano?

did, sir.

an you point out that island on any of these maps? r of maps shown witness.)

is a very small island called Buida, which means "The ;" I don't see it on these maps.

ow far is it from Navassa?

bout 30 miles, but there is guano on that Yucatan

Q. Had you previous to 1861 ever visited the island of Buida?

A. I never had.

Q. What information had you of the island, and from what source did you derive it?

A. I was in Grand Cayman, and I entered into an agreement with a certain party; I think a Mr. Pearson; his name is mentioned in my memorial, I think; I made an agreement before Mr. Eden that the moment I should dispose of my cargo of lumber he should join me and take my vessel to that island to get the guano, and the price was named; that is all the information I have; as he lived on the coast there, he knew all about it.

Q. What price was named?

A. As far as I can remember, I think it was $800.

Q. For what?

A. For a cargo of guano; I was to hire a man and pay $800 for his trouble.

Q. Did he claim to be the owner of the island?

A. He didn't.

Q. What interest did he represent he had in the island?

A. I don't believe the island belongs to anybody.

Q. That is not my question; what interest did he represent he had?

A. I cannot remember whether he represented he had any interest.

Q. Then for what were you to pay him $800?

A. For his trouble to show me where the guano was.

Q. Did you understand that you were to pay for the guano also if nobody had the right of control over the island?

A. Of course I expected to pay if anybody owned it, but it was public property; I was to pay him to show me where this guano was.

Q. And to show you the island?

A. Yes, sir; and to stay there until the vessel was loaded.

Q. What service was he expected to perform?

'o guide the men.

)idn't he say that he had an interest with the persons
d control?

Iot to my recollection.

hen he was entirely an outsider?

don't know.

Ie didn't represent his interest in any other way?

Io, sir.

nd you were to give him $800 for that service?

'es, sir.

'hen you formed your partnership with Rice & De-
or when that partnership was formed of which you
member, were there articles of agreement?

'es, sir; there were.

)id you have a copy?

had.

nd have you that now in your possession?

he negroes of Hayti stole it from me.

ou carried it on board your vessel, then?

did so, sir.

id you carry all your papers?

large portion—in a little iron safe.

'hat was the object in taking this paper and others on
our vessel?

he object was to have my papers with me.

hen the paper is lost?

ll the papers were stolen by the people of Hayti.

'hat statements or agreements or conditions did that
ontain?

was to have one-third interest in the purchase of cot-
in the transporting of cotton and so on.

'hen was that partnership formed?

cannot recollect exactly whether it was in 1853 or
think it was between 1853 and '54.

id you give personal attention to the business?

was a silent partner.

Q. You were not required, then, to attend to the business?

A. No services.

Q. Were they required to make statements to you at specific times?

A. Yearly.

Q. Did you have such statements?

A. Yes, sir; I had.

Q. Are those statements in existence, or any of them?

A. I don't know what they did in Hayti with my papers.

Q. Did you carry those statements with you?

A. As far as I received them.

Q. What capital were you to furnish?

A. $50,000.

Q. In money?

A. In money.

Q. And it was furnished by you?

A. It was.

Q. In what form was it delivered to them?

A. In draft on France.

Q. By what house was the draft drawn?

A. It was drawn against Auguste Humbert; the draft was drawn on him and paid.

Q. By whom was the draft drawn?

A. By me.

Q. Had you this fund there?

A. Yes, sir; from my father's estate.

Q. Where did your father die?

A. In Paris.

Q. What was his name?

A. Etienne Pelletier.

Q. Of how many persons did his family consist?

A. Two sisters and myself.

Q. Are your sisters living?

A. They are.

Q. Give their names?

A. One is Mrs. Noée and the other is Mrs. Malazieux.

Give their husband's names, if they are living?
One was Julis; that is his first name; I think it is Julis
he is very well known in Paris; he is an engineer of
ce; the other is Malazieux, who was here in Washing-
my house; one of my sister's husbands is dead.
s your sister whose husband died here now living?
No, sir; I thought you asked me whether she is living
hington, but she is living; she is in Arizona with her
er, Mrs. Campbell.
Was the estate equally divided by your father?
t was, sir.
This draft on France of which you speak, to whom was
ered?
To Mr. Delauney.
Was that draft paid with your knowledge?
t was.
Do you know what banking house Delauney & Co trans-
usiness through, or with?
could not tell.
You never knew?
think it was through the Bank of Louisiana, but I am
tain.
How often were you in New Orleans during the period
e formation of the partnership until you left in the
William?"
About four or five times.
Did you receive from that firm money during the period
e partnership existed or did you pay other moneys in?
didn't pay any other moneys in.
Did you receive money or drafts in the equivalent of
in any form?
think I did.
When and in what sums?
do not remember.
Did you make drafts on them at any time, which were
them?
42

A. I guess not.

Q. Did those statements which you say you received and lost show a profit or loss in the business of the firm?

A. They show a profit.

Q. Can you say whether there was any dividend made of the profits at any time?

A. There was by the accounting which they returned to me.

Q. Did they pay over to you?

A. They paid some sums of money when I was in New Orleans.

Q. What amounts?

A. I cannot now remember.

Q. Do you recollect in what form the payments were made?

A. In cash.

Q. Do you know when the last account or statement was rendered?

A. I think it was in Mobile; I was in New Orleans while we were laying at Mobile.

Q. Do you know what that statement shows?

A. O, no, sir.

Q. You have said that you took on board 32,000 five-franc pieces?

A. Yes, sir.

Q. And that those franc pieces were obtained in Paris?

A. Yes, sir.

Q. By what process is a business transaction of that kind carried on?

A. Well, the money was obtained in Paris, and sent here by steamer; there was no other way.

Q. For what purpose were these pieces obtained?

A. Because the value of those pieces was 94 cents, and I was making in exchange for them old Spanish cut money, which is six per cent. above par in the mint of the United States as pure silver; I was making on that about ten per cent.

For what specified purpose or use were these 32,000 obtained ?

For the specific purpose to rechange them for gold dust or that cut money.

Arbitrator. At Carthagena ?

Yes, sir.

Boutwell. And to put it on board the bark William the cut pieces were obtained ?

Yes, sir.

When was the order given for the five-franc pieces ?

I don't remember.

When did you give the order to have them bought ?

I gave the order when I was in New York buying an- vessel; I was in New York with that very same inten- I was to buy the vessel, but they asked me too heavy a and when I learned that this vessel was to be sold in Key I gave them an order to get that; my idea was to change money at Carthagena.

Where were you when you learned that this vessel was sold ?

I was in New York.

What time did you leave New York ?

I can't remember that.

When you left New York where did you go ?

I went to New Orleans, then to Havana, and from na to Key West.

You heard of the condemnation and probable sale of the liam" at New York before you left ?

Yes, sir.

And you gave the order there ?

Yes, sir.

Through whom ?

Through the mail.

To whom ?

Delauney & Co.

And you gave the order for the 5-franc pieces ?

A. Yes, sir.

Q. Now, then, have you any recollection whether in the year 1860 silver was worth more or less than gold as coin in this country and in Europe?

A. I have no such knowledge.

Q. If it should turn out that silver was scarce, and at a premium in 1860, is it true that you could make profit in buying 5-franc pieces?

A. Yes, sir.

Q. At 94 cents?

A. Yes, sir.

Q. Now let us look at this transaction; you say this year you gave the order through New Orleans?

A. Yes, sir.

Q. To purchase five-franc pieces?

A. Yes, sir.

Q. How was exchange between New Orleans and Paris in 1860; was it at a discount or a premium?

A. I cannot remember it.

Q. If it was at a premium would not that diminish your profits just to that extent?

A. Yes, sir; it might.

Q. But would it not?

A. Not much, because the profit was a great deal on that cut money; it exists to this day.

Q. We will consider the cut money hereafter; having purchased a bill of exchange, would it not be necessary to employ somebody in Paris to make the exchange; to draw that bill on somebody, and to have the bill drawn by some house in Paris?

A. Not exactly; there was always a large surplus in Paris and in Europe, and of course there was no exchange there; I am speaking of the cotton in which we were engaged in buying and selling.

Q. Was there not a commission charged for the purchase of the 5-franc pieces?

A. I cannot tell you that.

Q. Was it not necessary to insure that specie on the return voyage?

A. Yes, sir; of course, but they generally had open insurance by the year which diminished greatly the cost of the insurance.

Q. Did that open insurance include specie?

A. Yes, sir.

Q. Do you know of any open insurance, or is that only a theory?

A. That is my theory.

Q. Now, do you know whether the gold dust which you purchased at Carthagena was pure gold?

A. If it hadn't been pure gold I would not have bought it; but I could tell it was pure gold.

Q. By what?

A. By the touch-stone; if there was any impurity in the gold it would stick to the touch-stone.

The ARBITRATOR. He means a magnet.

The WITNESS. Yes, sir.

Mr. BOUTWELL. Was that the dust?

A. It was.

Q. Do you know whether a pound of pure gold converted into American coin will make $250; do you know that fact?

A. Yes, sir; I think so.

Q. Did you ever investigate that question?

A. I have not.

Q. If it should turn out that it would not make $250 in gold coin with alloy added, would your statement still be true?

A. If that gold dust was to be coined into United States currency, of course alloy was to be put in, and that was the profit.

Q. If it should turn out to be true that a pound of pure gold dust, absolutely free from alloy, and yet, when the one-tenth of alloy is added, the coin itself would only be worth $248 and one cent, would your statement be true that you could pay $250 in Carthagena for it?

A. Yes, sir; although I have not been a Secretary of the Treasury.

Q. But you have had an acquaintance with one?

A. Yes, sir; if you calculate that five-franc pieces worth 94 cents; I was paying 94 cents on the dollar for them in exchange for gold; I would think that the calculation would be very easy, and that I was making money?

Q. Did you purchase with the five-franc pieces any cut money?

A. Yes, sir.

Q. What became of it?

A. The negroes took it.

Q. To what extent did you invest five-franc pieces in cut money?

A. I don't remember.

Q. But your memory seems good?

A. Well, it may be $2,000 or $3,000, but I cannot state.

Q. Did you purchase $10,000 worth with 5-franc pieces?

A. I cannot tell.

Q. Or $5,000?

A. I cannot tell.

Q. But you have some idea; where did you make that transaction?

A. At Carthagena.

Q. Do you recollect the person with whom you made arrangements to buy cut coin?

A. Mr. Brandon, a German; he was in the business at Carthagena, and I entrusted the purchase to him; how much he bought I cannot remember.

Q. Now, how many 5-franc pieces did you put into cut coin?

A. I don't remember.

Q. Did you exchange ten 5-franc pieces?

A. O, yes, sir.

Q. Did you exchange 100?

A. More.

. thousand ?
'here I stop ; I don't remember.
hen you have no distinct recollection whether you
ged 1,000 or 5,000 ?
Io, sir.
Vhat vessel of the United States pursued the bark
am " from Key West ?
Ione.
Vhat other vessel did ?
Do you mean the " William ? "
'es, sir, when she was suspected of being taken away ?
Ione, sir, but there was some schooners hired by me,
oat belonging to the Government of the United States,
ldiers, was sent on purpose afterwards.
Iow long was the " William " out before she was cap-

bout four hours.
Iow far did she get ?
wasn't in the boat; they ran her on shore ; they
her back in four or five hours, as far as I can re-
.
Vas Vidal on the boat when she came back ?
don't know.
Iow much did you pay for that service ?
had to pay salvage, but the Government charged me
; the schooner charged me, but I forget how much ;
they charged me enough, and I paid it.
etween 1850 and 1860 did you own any real estate in
ntry ?
did, sir.
nd what was it ?
owned my country seat, called Pelletiersville, between
ork and Rochelle ; I also owned 650,000 acres of land
Virginia ; I owned some real estate in Chicago, and
d some land in Iowa ; I also owned a house on the
f 79th street and 5th avenue, in New York City.

Q. From whom did you obtain the purchase of 650,000 acres in West Virginia?

A. From an Italian called Louis Chitty?

Q. When?

A. I think it was in 1850.

Q. In what manner did you make payments?

A. Part cash and part stock.

Q. What amount in cash?

A. Several thousand dollars.

Q. Do you recollect how many?

A. No, sir.

Q. What stocks?

A. The stocks were of the Panama Telegraph Company, which belonged to me, and some coal-mining stock.

Q. Where was the coal located?

A. In the Pacific, near Chiriqui, on the island of Muerto.

Q. Was the company ever organized?

A. Yes, sir.

Q. Was the stock ever delivered to Chitty?

A. It was.

Q. Did you ever have any trouble on account of the title of the land?

A. There was some trouble.

Q. But the court held the title was invalid, on account of fraud practised in the transaction by which you took that title?

A. That is true, but that complaint was never made by Chitty.

Mr. ELDREDGE. I object to this form of examination.

The ARBITRATOR. I don't think that that is evidence.

Mr. STANTON. The witness has a right to any explanation he wishes to make, I think.

The WITNESS. I say that Chitty never made that complaint; it was made by an outside man, and that very same case is before Judge Jackson to-day.

Mr. BOUTWELL. In your memorial, page 73, fourth para-

, is this statement: "Louis Legallin, one of my boys on
narch, being ill and weak, fell and fainted from fatigue
oss of blood, when they put sticks through his shackles
dragged him over the pavements of rough stones in the
so that his skull was torn through and broken, so that
s dead on arrival at prison; his body was thrown in the
and some small boys were permitted to beat out his eyes
sticks for their amusement;" is this statement made upon
personal knowledge or upon report?

I saw the poor boy dragged like a dead dog, and I saw
urning over when they threw his body into the yard of
il, in order that he might drink the dirty water out of
utter; the next it was reported that he was dead; I didn't
is death, because they took me and put me in irons in a
ut the rest was reported to me.

When you made this memorial did you then believe that
lin was dead and had died in the manner reported here?

I did.

Is it not true that he was present at your trial?

I didn't see him if he was.

Is your recollection clear on that point?

I didn't see him.

You saw the witnesses who were present and the prison-
ho were arraigned with you?

I saw some of them; but you see I was in a box and I
not look around to see what was passing on.

But you heard the statements of the witnesses?

Yes, sir; but I could not see.

The names of the witnesses were called out, were they

No, sir; I don't think they were, because it was a pre-
ary examination, and I could not see them in open court.

. Jackson. That is a matter of record.

e Arbitrator. It is not a matter of record whether he
present—whether this boy was present.

Upon reflecting, do you still adhere to the statement
you didn't see him at the trial?

A. I did not see him.

Q. Or hear his voice?

A. No, sir.

Q. Or hear his name called out as a witness?

A. I didn't hear it.

Q. Did you know one C. P. Dorgon, of New Orleans, in 1860?

A. No, sir; I don't remember the man.

Q. Did you know the person who signed the manifest of the bark William at Mobile?

A. No, sir.

Q. Will you look at the copy of the manifest and see whether by reading it you can recall the person who signed that manifest?

The WITNESS. (Reading the manifest.) No, sir; I do not remember.

Mr. ELDREDGE. Does he recognize that as the manifest?

Mr. BOUTWELL. It is a certified copy sent here by the State Department.

The WITNESS. I don't remember nothing about it.

Q. Had you any agency in the business of having the manifest prepared?

A. It was done by Dubrieul and Mr. Delauney; in Mobile I heard about it, and I knew the business would be attended to.

Q. You know nothing about the manifest?

A. No, sir.

Mr. BOUTWELL. The lumber and boards are on the manifest, but the specie and powder are not on it.

Q. You had nothing to do with the manifest, then, whatsoever?

A. No, sir.

Q. Did you give any attention to the insurance of this vessel or cargo?

A. No, sir.

Then you went to sea without knowing whether the
rty was insured or not?

Well, I knew that I had to deal with men who were
ul, and I supposed it was all right.

You have stated that the specie was put on board at
le at the wharf where the lumber was put on?

Well, you see the specie was brought by Dubrieul, and
not remember whether it was done in the lower bay or
outside the wharf.

Your memory, then, is not the same that it was at the last
ng?

How is it; how was that?

You say you are not certain about it?

. Cason. I have been paying attention to the testimony,
am quite sure he did not say the specie was put on board
wharf.

. Boutwell. The record will show what he did say.

At what place was the specie put on board?

I just stated that I am not positive.

Do you mean to say that you have no recollection?

Yes, sir.

Did you meet or have intercourse with any vessel or
or any person, after you left the wharf at Mobile, before
rrived at Carthagena?

. Eldredge. That subject has been all gone over.

. Boutwell. But the aspect of things has changed, and
st go over it again.

After you left the wharf and moved off at 8 o'clock in
vening ——

I don't wish to say so.

Well, when did you leave?

In the morning, to go down to the lower bay.

When you left did you speak any vessel after leaving the
f?

I suppose I saw hundreds of vessels.

Q. Did you meet any vessel or any tug 8 or 10 miles below the wharf which you left?

A. Yes, sir; I met hundreds.

Q. Did you have communication with one of them?

A. I had communication with the pilot boat—the tug.

Q. Where was the specie put aboard?

A. I have answered that question; I don't remember.

Q. Will you look at that book called Blount's Coast Pilot, and state whether or not that is the work, or a work like the one you had when you entered Fort Liberté?

A. Yes, sir; I had a book—the Shipmaster's Guide, and I had also this book, too.

Q. That is the book you called the Coast Pilot?

A. Yes, sir.

Q. Will you describe the entrance to Fort Liberté?

A. I will, sir; at the entrance to Fort Liberté there is a fort on the port side; opposite the fort there is a bank on which I went; the town is about five miles in; that is all.

Q. And the channel—is it wide or narrow?

A. The channel is narrow, but there is a beautiful bay inside.

Q. Now, what is the surrounding geography or appearance of the country that was in view when you entered the harbor?

A. The coast ran into a kind of bay, and Fort Liberté is, I should say, about 10 miles from a kind of cape; then the coast runs more to the northeast.

Q. Which way was the cape from Fort Liberté?

A. It is on the port side.

Q. What hour of the day did you arrive there, so that you could not leave?

A. It must have been after 10 or 11 o'clock, because I had a very stiff breeze.

Q. Morning or evening?

A. Morning.

Q. Was it a clear day?

A. It was a clear day.

o that headlands were visible?

Yes, sir.

Now, I will read a description of this port as it is given book, and I would like to have you say whether it with the one which you read; in this book the place d Fort Dauphine, but you will see on the map that it is he thing?

ELDREDGE. Did you know it by that name?

Yes, sir.

BOUTWELL. What I am about to read is page 593 of nt's American Coast Pilot: "Port Derdes (Port Dau- is the most secure land-locked basin in Hayti, and is l for vessels of the largest draught, with excellent hold- ound; the channel into the bay is about a mile long, narrow and tortuous that a sailing vessel will find great y in getting through it inward without the wind is well northward of E., and she can only enter with a com- g land breeze; the entrance is not more than one cable alf wide, but it increases to 1½ miles; both sides are with a reef to a short distance, and the turnings are so hat there is scarcely time for a vessel to answer her" what would you say about that?

would say that it is a very good description.

Do you desire to qualify it?

Well, in the first place, the moment you enter the port, ou go about four or five lengths of the ship, you can he town; that is why I knew I was in Hayti again, and saw the flag I got scared.

BOUTWELL. I will continue: "Directions would be use- entering this bay, as the eye can alone guide the vessel channel, which is all that is required; there is no room king or weighing, should she be forced to anchor; the of the bay is three miles long E. and W., and a mile and free from shoals, except to the eastward of the hich stands on the southern shore facing the entrance; e middle of the bay is a small islet named Boyau, which

is foul to the distance of a cable length on its N.E. side; the most convenient anchorage will be found in 12 fathoms of water between Fort Dauphine, which is built at the end of the town, and the islet; there is a good careening spot on the northern shore, a little to the eastward of the inner end of the channel."

A. I think that is a very good description of the bay.

Mr. Boutwell. This book is printed since this case arose, and I will endeavor to procure a copy which was in use in 1860; the officers of the navy say there is no change in the description of this place for many years; the date of this work is 1867, the 21st edition.

Q. You have stated that intending to make the harbor of Puerto de Plata, in San Domingo, you read in Blount's Coast Pilot a description of that place?

A. I did.

Q. Did you ever visit it?

A. Never.

Q. Did you rely on the description?

A. I did.

Q. I will read this description, and if you think it does not correspond with the one you read, I will produce the edition you used: "Puerto de Plata lies 51 miles to the westward of Cape Vao Frances, and although confined in space, is a place of some importance, and the port of entry for vessels trading on this port shore; the harbor is a semi-circular basin, about half a mile in extent, with a low, sandy shore; on its eastern point there is a small hill 65 feet high and a fort; to the southward of it is a town which contains about 300 houses; about 2½ miles inland a remarkably flat-peaked mountain, called Isabella de Torres, rises to the height of 2,300 feet, and is an excellent guide for a port; it has a large white spot on it, and at four or five miles to the westward of it there are a few small sugar-loafed peaks; the channel is between the reefs outside, which skirt the shore at a distance of from one quarter to a half mile, and are steep

Have you anything to say as to that description upon the
vhether it is the description you read preparatory to your
t to go there?
I cannot speak from observation, as I never was there.
But then this description corresponds with the descrip-
on read in the Coast Pilot?
There is some similarity about the fort; when I went to
iberté I was driving before the wind; there was a very
breeze and I saw the port and saw entrance; but when
d by the fort a few ships' lengths I found my mistake.
In the description you read at that time was there men-
this mountain?
How can I remember what I read 24 or 25 years ago?
Do you know the edition of Blount's Coast Pilot you
board?
I don't remember it.
Did you know then whether it was a recent or an old

I cannot tell you.
How long did you have it?
I had it some time; it was one I had on several ships I

Arbitrator. I think it is fair to presume that the de-
on here given is the same one; it is a geographical de-
on, and it can be received until the contrary is shown.
When you made the arrangement with Cortez to take
nd his family and freight from Carthagena to Rio de
what was the agreement?
That he should pay me $500.
For that service?
For that service.
When he became dissatisfied or apprehensive in regard
condition of his wife, and wished to be put on shore,
ere any other agreement made?
There was not; he said if I put him on shore in Jamaica
port which was on my lea he would pay me my money.

Q. Was any contract in writing made on board the ship at sea at that time when you came to an understanding to put him on shore?

A. I cannot remember that; it was a perfectly understood thing.

Q. Was there a contract made at that time?

A. I don't remember.

Q. Have you no recollection?

A. No, sir.

Q. If your chief mate testified that there was such a contract made what would you say?

A. The chief mate, I don't think, could testify, because he doesn't generally go into the captain's cabin.

Q. You have no recollection of that matter?

A. No, sir; but if Collar said so it must be true.

Q. You had a contract to carry him for $500?

A. Yes, sir.

Q. What is the distance?

A. From 60 to 100 miles.

Q. And a part of your purpose in going there was to make sale of your lumber?

A. I was going to sell my lumber there if I could.

Q. But you had some expectation of that?

A. I was very much afraid, though, because there is a bar to the northeast of Rio de Hache; it was a very dangerous trip.

Q. Do you consider that $500 for carrying those three persons, an infant and child, and a small amount of freight, reasonable compensation?

A. It was a small compensation in that season of the year.

Q. Who introduced you to Thomas Collar?

A. I suppose it was the shipping man there who shipped him.

Q. At what place?

A. Key West.

Q. You knew him there?

A. I knew him there, I think.

Q. He came on board your vessel and served from there to Mobile as first officer?

A. I didn't say that he was first officer; he was second officer.

Q. By what name did you know him going from Key West to Mobile?

A. A shipmaster is not always supposed to know the names of his crew, except the names William, John, etc.

Q. What was his name known as?

A. Gerdon.

Q. From Key West to Mobile?

A. Yes, sir.

Q. Did you have on your vessel at any time after you left Mobile a man named Myer?

A. I did.

Q. What became of him?

A. He left his vessel; he was put in irons because he destroyed my log-book, and he deserted from the ship in irons.

Q. What, in irons?

A. Yes, sir.

Q. You say that he went off in irons?

A. Yes, sir; handcuffed.

Q. Where did he escape?

A. He went on board an English man-of-war.

Q. What was the name of the vessel?

A. I think it was "Gladiator."

Q. Where was she lying?

A. In the harbor of Carthagena.

Q. Do you know whether she sailed to any port in New Granada at that time?

A. I left her there.

Q. You don't know her destination?

A. No, sir.

Q. Did you make any statement either at Port-au-Prince or

at Fort Liberté or at Cape Haytien that you had been with your vessel to Gaudaloupe or any other place in Gaudaloupe?

A. I think I did; that is, at Fort Liberté, when I found out I was in the hands of the good people there.

Q. Did you give a reason for this statement?

The ARBITRATOR. Where was this statement made?

Mr. BOUTWELL. He says at Fort Liberté.

The ARBITRATOR. That he had been to Guadaloupe?

Mr. BOUTWELL. Yes, sir; that he had been to Guadaloupe.

The WITNESS. Yes, sir.

Mr. BOUTWELL. What reason did you give for having been at Guadaloupe?

A. I told them I was from Guadaloupe; I gave my crew orders not to speak English; I stated the disability of the ship, of the trouble to the rudder, and the damage to the false keel, and that I had been obliged to throw part of my cargo overboard, and that I had been on shore on those banks; I did this so as to mislead those people.

Q. Was any part of that statement true?

A. Not a single word, only that I had been on shore.

Q. Did you also say that you wished to obtain hands to go back to that place for the recovery of the cargo?

A. At Fort Liberté?

Q. Yes, sir.

A. No, sir.

Q. You didn't say that?

A. No, sir.

Q. Was there any other woman on the "William" during the voyage except the person spoken of as Castay's sister.

A. No, sir; except Mrs. Cortez.

Q. Was there no other?

A. No, sir.

Q. Where was this sister of Castay's left; what became of her?

A. I do not know; I was doomed to death, and was in my cell.

Q. When did you last see her?

A. I saw her going in to see Castay when he was in prison.

Q. Have you been indicted?

A. Where?

Q. Anywhere in this country?

A. Yes, sir.

Q. In what places?

A. In New York, and a *nolle pros* was entered.

Q. Any place else?

A. I have been indicted in Washington.

Mr. STANTON. If your Honor please, I question the propriety of this testimony. You might ask him whether he had been convicted, but an indictment is no proof of anything.

The ARBITRATOR. That depends a little upon the place where the testimony is proposed. According to the rules of evidence as laid down in the text-books it would not be evidence; but according to the practice in several of the States, and particularly in New York, it is evidence. It does not prove much, if it proves anything. I never, for myself, could see exactly that it did prove anything, except that it tended some to impeach the witness, but very slightly. As, however, it is common practice in the State of New York and recognized by the court of appeals of that State, I don't think I will rule it out.

Mr. ELDREDGE. I suppose we will have an opportunity to show that he was acquitted?

The ARBITRATOR. You will have an opportunity to show afterwards that the indictment was *nolle prossed*, or disposed of in some way not to the discredit of the witness.

Mr. ELDREDGE. The proper proof of his being indicted, even, would be the record of the court.

The ARBITRATOR. You must show the existence of a thing before you can show what it contained; the witness can make any explanation.

The WITNESS. In the case before Judge Fisher, in Washington, I was acquitted.

Mr. BOUTWELL. If your Honor please, we think we are through with the cross-examination of this witness, but would prefer to look over the testimony which he has given before having him dismissed; we shall be able to state at the next meeting whether we desire to ask any further questions.

Mr. ELDREDGE. And, of course, we may wish to ask the witness some questions in rebuttal.

The ARBITRATOR. Certainly, you will be entitled to examine him in rebuttal.

Mr. STANTON then presented the following motion, which was approved by the Arbitrator:

A. PELLETIER
vs.
THE REPUBLIC OF HAYTI.

Before Hon. WM. STRONG, Arbiter.

The claimant, by his counsel, moves that the arbiter request the Secretary of State to call on the Government of Hayti to produce before him all the papers of the said Pelletier and of the barque William, found on board the said barque, which may be in possession of the said Government.

FRED. P. STANTON,
of Counsel.

DEC. 26, 1884.

I make the request as desired.

W. STRONG,
per W. B. P.,
Secretary.

MR. BOUTWELL presented the following motion, which was approved by the Arbitrator:

UNITED STATES *vs.* THE REPUBLIC OF HAYTI.	In the matter of the claim of Antonio Pelletier.

Before the Honorable WILLIAM STRONG, Arbitrator.

And now come the counsel for the Republic Hayti and move that this Honorable Arbitrator request the Secretary of State of the United States to ask the Government of Hayti to furnish authentic copies of any [and] all records of said Government showing the quantity and value of the specie, bullion, or other valuables found on board the bark *William*, when said bark was captured at Port Liberty, Hayti, in the year 1861.

GEO. S. BOUTWELL,
CHAS. A. DE CHAMBRUN,
Counsel for Hayti.

DEC. 26, 1884.

I make the request, as desired.

W. STRONG.

The Commission then adjourned to Wednesday, the 31st instant, at 10 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against the Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *Dec.* 31, '84.

Pursuant to adjournment the Commission met at 10 o'clock A. M.

Present:

The ARBITRATOR.

Messrs. JACKSON, MERRIMAN, CASON, ELDREDGE, and STANTON, Counsel for the claimant.

Messrs. DE CHAMBRUN and BOUTWELL, Counsel for the Republic of Hayti.

ANTONIO PELLETIER, the claimant, then resumed his testimony.

Cross-examination continued by the Marquis DE CHAMBRUN:

Q. When did your father die?

A. He died some time in 1850; I think between 1850 and 1855.

Q. Where was his estate settled?

A. In Paris.

Q. When?

A. I sent a power of attorney to my mother, and she settled the estate.

Q. Where was your share placed?

A. My share was placed in the hands of Auguste Humbert, my half-brother.

Q. You stated that your business place between 1850 and 1860 was in New York, if I remember correctly?

A. It was in New York.

Q. On what street was your office?

A. It was 98 Wall street; afterwards it was in New Rochelle: I have built all those glass factories in the place called Pelletiervsille.

Q. Did you reside anywhere else during those ten years?

A. I testified the other day that before 1860 I went in the Ardennes.

Q. You did not reside anywhere else, did you?

A. I resided in New York city.

Q. On pages 21 and 22 of Document No. 260 there is a postscript of a letter addressed by you to Mr. Lewis as follows:

"If I ask the protection of the representative of the Federal Government of the United States it is because it is my right as a voter and real-estate holder in the city of New York, where my family resides; yet, as a Democrat elected in the city of Chicago, Illinois, as an alderman of the 9th ward, by the said party, always a Union man, and still a true one, I never forfeited the right to the protection which I demand to-day; and if I am found to-day to command a vessel belonging to the State of Louisiana, at the time I took said vessel that State was still under the glorious institution called the United States."

Q. Were you an alderman of the city of Chicago?

A. I voted there; I left New York and went there to establish a large factory and staid there a year; they ran me for alderman in the 9th ward.

Q. How long were you an alderman?

A. I was not an alderman at all; I ran for alderman, but was not elected.

Q. Then that statement is not strictly correct?

A. It might be a misprint; there are a great many misprints or misstatements.

Q. So you were not an alderman?

A. No, sir.

Mr. ELDREDGE. You say you were not elected?

A. I was not elected.

Mr. STANTON. Perhaps that word "elected" was originally "selected"—the Democrats selected.

The ARBITRATOR. It is of no importance, except so far as it may have a tendency to impair the integrity of the witness; the fact itself is of no importance whatever; if it is not correct, it can be shown from the original papers.

Mr. DE CHAMBRUN. An attempt was made to locate the island of Bouida; I would like that attempt now to be carried out, and the island located now, if possible.

The ARBITRATOR. How large is that island?

The WITNESS. I testified that I never saw the island; I never was on it; I only know what was said by Capt. Pearson about it; we had an agreement to get the guano, and he told me he would take me to the island; that is all I know about it.

Mr. DE CHAMBRUN. Will you say whether the name of the bark "William," of New Orleans, was painted on the stern of the vessel when you left Mobile?

A. The name "William" was not painted on the stern; it was painted on the board that was attached to the stern.

Q. When you reached Fort Liberté was that name "William" still attached in the way you describe it was?

A. It must have been, unless it was washed away when the ship stuck for eighteen hours on the reef.

Q. When you said that you were Capt. Tellier, from Havre, and that the bark was named "Guilliame," did you not think that if the name "William" was painted on the stern you would be detected at once?

A. There are very few persons who would look at the stern of a ship; when the stern-boat is low down it is impossible to see it, and I didn't expect to remain more than one or two days, to get my rudder fixed; I didn't take much notice of the stern.

Q. Do you remember whether you thought of that at the time?

A. I don't remember.

Q. Is it your impression that the name had disappeared?

A. I have no remembrance of it, sir; none at all.

The ARBITRATOR. What was the name of the bark when she was captured and condemned?

A. The "William."

The ARBITRATOR. Wasn't her name painted on the stern?

A. I do not know, sir.

The ARBITRATOR. When you took possession of the ship was her name not painted on the stern?

A. No, sir; it was painted on boards which were nailed on the stern.

The ARBITRATOR. Does not the act of Congress require her name to be painted on the stern?

A. No, sir; not on the stern; in a great many ships it is painted on boards and nailed to the stern.

Mr. DE CHAMBRUN. Did it not occur to you that if the ship was inspected from the outside and the name "William" found by the people of Hayti, whom you thought your enemies, that they would at once detect the deceit practised?

A. Of course, if they had detected that the ship was the "William," it would have resulted the same as it did by the desertion of that fellow Miranda.

Q. I will ask you this: Don't you think to-day that the idea that must have occurred to you was to conceal the name painted on the stern?

A. I declare that I would do anything to save a ship when she falls into the hands of the enemy; it is my duty to save property belonging to citizens of the United States.

Q. You do not remember whether the name was on the stern or not?

A. I do not.

Q. You spoke the other day, and if my recollection is not correct you can correct me, of an insurrection that was existing in New Granada when you landed at Carthagena; how long had that insurrection existed?

A. That I cannot answer, for this reason: When I arrived at Carthagena Arbolada was shut up in Santa Marti; he was fighting against the government; how long it existed after that I do not know.

Q. I speak of the time prior to your going there?

A. I do not know.

Q. Had you any information, or did you receive any intelligence in the United States prior to your sailing, of the existence of that insurrection?

A. No, sir; I did not have any communication.

Q. Are you prepared to state that you did not see it in the papers?

A. I didn't see it in the papers; it took me all by surprise.

Q. Do you keep yourself posted about newspaper intelligence?

A. I know how to read, and I read newspapers whenever I have the time.

Q. You stated in your examination-in-chief that you expected to revisit those islands; on page 65 of executive document 260 you used this language:

"I furnished the said bark luxuriously, and put on board stores of costly wines and preserved meats of all kinds that can be kept for a length of time at sea; for, being at that time rich and prosperous, I designed to visit several ports where I had formerly navigated when poor, and where I had friends who I believe would rejoice in my prosperity, and many to whom I wished at any rate to exhibit the evidences of my success."

Q. What ports did you expect to visit?

A. I expected to visit Carthagena; that was a port which I

had sailed to for years, and I had friends in Santa Marti, and other places; I don't know whether I intended to visit all those points, but Carthagena was the main point where I wanted to visit, and having business there, I went there.

Q. Were you invited by many of the people at Carthagena?

A. Yes, sir; by the American consul, Mr. Matthew, and others; he stayed a whole day on my ship, and a great many parties came on board and dined with me.

Q. What other ports did you expect to visit when you left Mobile?

A. Well, I don't know that I expected to visit any other port than Carthagena.

Q. So the evidences of your success you wanted to exhibit, above all, at Carthagena?

A. My success, or the demonstration of my success, in Carthagena rather than any other port of that country, because I had many friends there.

Q. You state in your memorial, page 70, that when you met Capt. Stubbs, of the "Alma," you bought from him certain goods, and purchased an anchor and a chain for a hundred and fifty dollars, and also purchased some provisions from him; you state also that you paid him in gold dust; that you gave him one pound of gold dust, and that he gave you for change $100 in gold?

A. I bought the anchor and chain from him, and a few provisions; I paid him a hundred and fifty dollars; that is, I gave him a pound of gold dust, and he returned, as near as I can remember, the balance in five-dollar gold American pieces; that is, $100; that was the money I used when I arrived at Fort Liberté.

Q. But you stated in your memorial that at that time you had still five-franc pieces and American gold double-eagles to the amount of about $3,000 on board your vessel?

A. I did.

Q. Why did you pay Capt. Stubbs in gold dust then?

A. When the ship was on shore at Grand Inagua the loss

of the false keel, and the filling of the cabin full of water, prevented me from getting at the hatch in which the money was placed, and as I had in my cabin some of the gold dust in pounds, I preferred not to go and lift the hatch for the money; so I gave him the gold dust.

Q. How did you weigh that gold dust when you turned it over to Capt. Stubbs?

A. Capt. Stubbs brought in the morning a scale from the Alma, and it was weighed by him; I had no scale on board.

Q. Did you explain to him anything about that mode of paying him?

A. Why, of course, he took it.

Q. Did you tell him you had no other money on board?

A. I did not tell him so, because it would have been a falsehood; I told him I preferred to pay him in gold dust.

Q. And thereupon, you mean to say, he went back to his ship and brought his scales?

A. I mean to say so.

Q. Is Capt. Stubbs living?

A. I cannot tell you, sir; it is very easy to ascertain it in Jamaica.

Q. At the time of your reaching Carthagena you had a mate named Myers; had you not?

A. I did.

Q. You stated the other day that you handcuffed him?

A. Yes, sir.

Q. On what ground did you handcuff him?

A. For disobedience, and because he was of no use; he destroyed the property of the ship, the log-book and so on, and I handcuffed him to remit him to the consul, Mr. Matthew, and he ran away.

Q. Was he in charge of the log-book?

A. Of course the chief mate is generally in charge of the log-book; the captain has nothing to do with it.

Q. Was not Mr. Gerdon, or Mr. Collar, in charge of it?

A. Certainly; after that man ran away he was promoted, but not before.

Q. In what capacity did you enlist Collar?

A. As second mate; he went by the name of Gerdon.

Q. You are positive about that?

A. Yes, sir; I am positive.

Q. You are sure that it was for no other reason except the one stated by you that Myers was handcuffed?

A. I swear positively that that was the cause of his being put in irons.

Q. Are you prepared to swear that there was not talk on the part of Myers against the intended expedition on the part of your ship, or on your part?

A. No, sir.

Q. You are positive, then, are you?

A. Yes, sir; I am positive; after he ran away he may have said a great many things which I know nothing about.

Q. Do you know whether he went on board the Gladiator?

A. He escaped from a little window in the ship and went on board the Gladiator.

Q. Had you no communication with the officer in command of the Gladiator about him?

A. Yes, sir; I was invited on board to a ball there.

Q. Did anything pass about Myers?

A. Something passed, yes, sir; the captain went on shore first and sent somebody to ask me on my word of honor that I would not try to rescue Myers, and I gave him my word; I then went with my log-book to Mr. Matthew, the consul, and showed him the mutilation committed by Myers; Mr. Matthews then sent Myers away in disgust and said to the Englishman: "If you want to keep such a man as that you can keep him;" Myers was a Dutchman.

Q. Prior to 1860 did you ever speculate in gold dust?

A. Yes, sir; a great deal.

Q. Will you please state your recollections about your speculations in gold dust—the first time you ever speculated?

The Arbitrator. I do not want to restrict your examina-

ion unnecessarily, but are you not travelling too far off from what is material?

Mr. de Chambrun. If your Honor please, gold dust was a very serious ingredient in certain transactions at that time, and I would like to know a little more about his connection with it; your Honor knows too much about the slave-trade transactions at that time not to know the importance of gold dust.

The Arbitrator. It does not at present appear to me to be a matter of much importance what Pelletier was engaged in outside of the one involved in this case.

Mr de Chambrun. You state that you had dealt in gold dust before?

A. Yes, sir; a great deal.

Q. Between Carthagena and the United States?

A. No, sir; in 1839 I went to the South Seas in command of a ship, and afterwards I joined the service of Peru, and served on the Vivancourt; afterwards I was in Ecuador.

Q. We will come to that hereafter?

The Witness. I want to show you the connection I had with the gold dust; I went to live in Chiriqui; I used to kill cattle and dry the meat on the rivers Chamrabira and Bonaventura, and exchange meat for gold dust; a great many thousands of gold dust have passed through my hands in the South Seas.

Q. Did you ever sell a pound of gold dust to the United States?

A. I have.

Q. You were stating something about selling gold dust to the United States; did you sell any gold dust prior to these intended transactions described in connection with the bark "William?"

A. Yes, sir.

Q. Did you ever buy five-franc pieces for the purposes of purchasing gold dust in Carthagena or New Granada?

A. No, I never did; that was the first transaction.

Q. It was therefore a new idea?

A. It was.

Q. When did you write to Paris to obtain these five-franc pieces?

A. I testified before that it was Delaunay that did it.

Q. When did you give Delaunay the direction to write to Paris?

A. It must have [been] previous to my taking charge of the bark "William;" I don't remember the date now; it must have been a month or six weeks previous, I suppose.

Q. Your idea of buying five-franc pieces in Paris and sending for them was prior to the purchase of the "William?"

A. I have testified on that point before, that I was in the city of New York trying to buy another vessel, and you will find I had that idea of the five-franc pieces long before the "William" was thought of?

Q. How did you happen to employ Delaunay, of New Orleans, to give directions to buy five-franc pieces, when you were in New York?

Mr. ELDREDGE. I submit, your Honor, that that has been all gone over.

The ARBITRATOR. Not precisely; the examination is prosecuted pretty liberally, I must say, but still I do not feel at this time disposed to restrict it; I simply wish counsel to confine himself to that which has a bearing on the case.

Mr. DE CHAMBRUN. If your Honor please, I propose to show that there was no possibility of making a profit, owing to the rate of exchange between these several places, such as giving order from New Orleans to buy five-franc pieces from Paris while he was in the city of New York.

Mr. ELDREDGE. That does not alter the case; a great many men make bad transactions.

The WITNESS. I stated that the firm of Delauney, Rice & Co. I always found perfectly reliable in those matters, and they had communication with Paris during the transmission of cotton, and it was more easy for them to attend to this matter.

Q. What was the real business standing of Delanney, Rice & Co.?

A. It was good.

Q. What was the amount of their credit?

A. That I cannot answer.

Q. When you went into partnership with them did you not inquire about the standing?

A. I did.

Q. What did you find?

A. That they stood A 1.

Q. With a large credit?

A. They had a large credit; yes, sir.

Q. And the amount of their business was limited or extensive?

A. It was extensive.

Mr. de Chambrun. If your Honor please, I want to show now by this witness that he was thoroughly acquainted with the island of Hayti before this visit, and to show it by connecting him with the various ships where he was in command since he came to the United States.

Q. When did you come to this country?

A. I came here as a cabin boy, and served as an apprentice with John D. Blanchard, of Portland, Maine, on board the brig "George Turner."

Q. What time was that?

A. That was in 1831 or 1832.

Q. How old were you then?

A. I was about 14 years of age.

Q. How long were you on board the "Turner?"

A. Until the Captain left it; then I went on board the brig "Champion."

Q. How long were you on that?

A. I cannot remember; it might be one or two years.

Q. Where did the "Turner" go?

A. It started from Bordeaux, France, and went to the island of Cuba to get mahogany and sugar.

Q. Did you never go to Hayti?

A. I never did.

Q. What nationality was the "Champion?"

A. She was an American brig, under the command of Mr. Blanchard, of Portland, Maine.

Q. How long did you remain on board of her?

A. I cannot remember.

Q. Where did you go with the Champion?

A. We went to Turk's Island to get salt.

Q. How long were you there on board that ship at Turk's Island?

A. Only to take salt on and go back to New York.

Q. After you left the Champion what ship did you sail on?

A. I do not remember.

The ARBITRATOR. Why don't you ask him whether he was acquainted with the island of Hayti?

Mr. ELDREDGE. He has answered that question, and he said no.

The ARBITRATOR. I shall discover what he has said fully before I am through.

Mr. DE CHAMBRUN. Where were you in the years 1838, 1839, and 1840?

A. In 1840 I was in the South seas.

Q. Where in 1839?

A. As far as I can remember I was on the bark "United States," with Captain Hicks, of New Bedford.

Q. In 1840 you were in the South Seas on board a ship, of what nationality?

A. I do not remember.

Q. Was it an American ship?

A. I cannot remember.

Mr. DE CHAMBRUN. I suggest, your Honor, that this claimant should state the thing just as it is; he claims to be an American citizen. He swore that he resided in the United States five years prior to his naturalization. I am going to show now that he [was] not in the United States or on board

a ship during those years. This is what I expect to prove; all pointing itself within the scope of this inquiry.

The ARBITRATOR. In other words, then, you intend to attack his naturalization?

Mr. DE CHAMBRUN. Yes, sir, as a fraud upon the Court, and I submit that the witness be directed to answer the question.

The ARBITRATOR. He says he does not remember.

Q. Where were you in 1839?

A. I told you before, when I answered that question.

Q. Where were you in 1838?

A. I was on board of an American ship.

Q. In 1841 were were you?

A. I think I was in the South Seas whaling; I am not sure; but I was on board of an American ship.

Q. Are you positive you were on board of an American ship?

A. No, sir; I do not remember.

Q. Where were you in 1842?

A. I don't remember; it was a great many years ago.

Q. Give your best recollection?

A. If I had a recollection I would answer.

Q. When did you return to the United States to live?

A. I never left the United States.

Q. When did you come to reside in New York city?

A. I went to Philadelphia first.

Q. Didn't you return on the 16th of May, 1850?

A. Probably that was the date; but I have forgotten.

Q. And on board the "Crescent City?"

A. I may have made a trip on her, because I went to build a telegraph on the Isthmus of Panama; I went from New York for that purpose.

Q. Where was your domicile in 1851?

A. It was in New York.

Q. When did you obtain your papers of naturalization?

A. In 1852.

Q. Did you not swear formerly to these facts? (Counsel proceeds to read from document.)

Mr. JACKSON. Just state, Mr. de Chambrun, what document that is.

The ARBITRATOR. Let the counsel proceed in his own way.

Mr. DE CHAMBRUN. When did you first come to this country?

A. In 1832.

A. Where did you go to live then?

A. I was on board the ship "George Turner," of Portland, Maine.

Q. Do you remember having made this answer which I am going to read to you?

Mr. ELDREDGE. He has made the same answers here.

Mr. DE CHAMBRUN. In 1833, as a witness, he remembered all the facts, but on the 31st of December, 1884, he forgets them; now, Mr. Pelletier, I will read to you the following testimony, which you gave on a former occasion:

"Q. What was your age at that time, and what was your business?

"A. I was born October the tenth, 1819; learning the profession of a sailor."

Q. Did you answer that?

A. Probably I did; it was the truth.

Q. You say you were learning the profession of a sailor—were made a cabin-boy at that time?

A. An apprentice, serving my time.

Q. Do you remember that answer?

A. No, sir; in 1819 I could not be a cabin-boy.

Q. Did you serve your time up to 21 years old?

A. I did.

Q. Do you remember that question and answer?

A. Yes, sir; it was a cross-examination, which was never sworn to and was never signed.

Q. What business did you then go into?

A. A shipmaster.

Q. How long were you engaged in that business?

A. Until 1861, off and on; some time on shore.

Q. Where was your residence and domicile during that time?

A. In New York city part of the time, and part at sea.

Q. You say shipmaster; what do you mean; do you mean captain of a ship?

A. I do.

Q. Did you own your own ship?

A. Part of the time and part not.

Q. What was the character of the ship which you commanded?

A. A merchant vessel.

Q. What character of ship was she; schooner, brig, sloop, mud-scow, or what?

A. A full-rigged ship, from a thousand or twelve hundred tons down to a schooner of fifty tons * * *

Q. According to your statement you obtained your majority in 1840; when did you first, after that date and before 1861, run a vessel of your own?

A. In 1841.

Q. Name the vessel and character of the vessel, where registered, and between which ports she traded?

A. Antonio del Rio was the name of the vessel; it was a schooner from thirty to fifty tons, registered in David, Chiriqui, in the United States of Colombia, and carrying a cargo of dried meat to be sold among the pearl fishers in the bay of Panama, on the Pacific side.

Q. How long did you command this ship?

A. A few months.

Q. What was the name of the next ship you commanded; what was the character of the vessel, where registered, and trading between what ports?

A. The next was the brig "Daniel O'Connell," registered in Payta, Peru, trading down to the coast of Chico; it was a vessel of a little more or less than three hundred tons.

Q. Were you the owner?

A. I was not.

Q. How long did you command her?

A. Eight months.

Q. Give the name, character, tonnage, and where registered, of the next vessel commanded?

A. The next was the ship "Adela;" owned and registered in Guyaquil, in Ecuador; trading between that port and Valparaiso; of eight hundred tons burthen.

Q. How long did you command her?

A. One trip of three months.

Q. Give the name, character and tonnage, and register of the next vessel commanded?

A. The next was the brig "Angelique," belonging to Carthagena, United States of Colombia; trading between that port and Kingston, Jamaica, on the Atlantic side; she was two hundred and thirty tons burthen.

Q. How long did you command that ship?

A. I did not care about commanding her more than once; she was a rotten ship; I let go of her; I commanded her about two months.

Q. Did you own her?

A. No, sir.

Q. Give the name, character, tonnage, register, and ports between which she traded of the next ship you commanded?

A. The brig "Mediterranean," of four hundred tons, belonging to Jamaica, and carrying cattle from the Guyere coast to Jamaica.

Q. How long did you command her?

A. Two months.

Q. Did you own her?

A. No, sir.

Q. Give the name, character, register, tonnage, and ports between which she traded, of the next ship which you commanded?

A. I cannot give the name of the next; I forget; it was

merely a trip from Puenta Arena, in Costa Rica, to Panama, loaded with provisions; she was a schooner of about 50 tons burthen, and registered at Puenta Arena.

Q. How long did you stay with that ship?

A. Only with that trip.

Q. Did you own her?

A. No, sir.

Q. What year was this?

A. It must have been 1848 or 1849.

Q. Give the name, character, tonnage, register, and ports between which she traded, of the next ship you commanded?

A. The next, I think, not positively, was the Ardennes, a bark of between five and six hundred tons, registrred in Jacksonville, Florida, and trading between Florida and the Canary Islands.

Q. How long did you command her?

A. About six months.

Q. Were you owner?

A. I was.

Q. What was her cargo?

A. The cargo consisted of sugar, Cuba rum, cigars, and a general assortment to trade on the coast among the Canary Islands.

Q. Did you trade on the coast of Africa at all?

A. No, sir.

Q. You say you commanded this ship six months only; what became of her then?

A. She was sold.

Q. Who sold her?

A. I sold her.

Q. Give the name, character, tonnage, register, and ports between which she traded, of the next vessel you commanded?

A. The next was the clipper ship "White Cloud," of a thousand tons, registered in New York, owned by me, and traded between New York, Havana, in the Island of Cuba."

Q. Did you give that testimony?

Mr. ELDREDGE. I desire to know, your Honor, whether this is not a most extraordinary proceeding?

The ARBITRATOR. I think it is a fairly legitimate question, but I would ask counsel whether it is necessary to go any farther.

The WITNESS. I made those statements, but they were never read to me before I should have signed my name; it was a cross-examination that was never sworn to.

The ARBITRATOR. Do you mean to say it was not sworn to?

The WITNESS. It was not read over to me.

Mr. DE CHAMBRUN. Did you make the following answer to this question: "Q. When did you leave the South American or West India waters to come to New York to reside? A. I arrived May the 10th, 1850."

A. I don't remember.

The ARBITRATOR. Did you make such an answer as that?

The WITNESS. I must have made the answer, because it is true; but I had been in New York previously.

Mr. STANTON. If your Honor please, I am perfectly well acquainted with this testimony, and I say there are parts of it which ought to be read in justice to the witness himself, and counsel have selected certain questions and answers and asked him about them, with reference to foreign vessels which he commanded. The witness states that he did command them, but, inasmuch as he was not a citizen of the states to which these vessels belonged and in which they were registered, he could not be the captain of the vessels, and his testimony might be misunderstood if allowed to rest where it is.

The WITNESS. I was merely the sailing master on those vessels.

Mr. STANTON. That very explanation is made in the document which has just been read from.

The ARBITRATOR. At the proper time you can put in such portions of that document as you think proper to qualify or explain, which has been read.

Mr. STANTON. I wish to make a statement.

Mr. Boutwell. If your Honor please, I do not know about arguing the point at this time.

Mr. Stanton. Mr. Pelletier was put on the stand to prove a few simple facts which could have been proved in half an hour or so; then this cross-examination was commenced and continued two or three weeks; I was present, and objected from time to time, on the ground that the cross-examination was not relevant, and several times I went to the Court and protested against the cross-examination; but in the meantime the opposite counsel withdrew the question, and the Court said, inasmuch as it was withdrawn, no order could be made in the case. So that we were baffled for two or three weeks in that way, and it cost Captain Pelletier $50 for a deposition that was never completed. They proposed to ask him every question under the sun, and there was no rule of Court by which the commissioner could refuse to ask the question.

The Arbitrator. Where did that take place, in New York?

Mr. Stanton. No, sir; in this very city; in the Court here.

The Arbitrator. Perhaps, Mr. Stanton, it would be better to look over that document now, and see what parts you wish to submit.

Mr. Eldredge. If I understood the Counsel for Hayti, he stated that his purpose was to attack the naturalization papers of Mr. Pelletier.

The Arbitrator. I understood him to say so.

Mr. Eldredge. As objections, therefore, can be of no avail in a review of the proceedings had here, I think that it is proper to interpose them now, and I contend that naturalization papers cannot be attacked in this manner.

The Arbitrator. That is a question of argument.

Mr. Eldredge. But it seems to be proper that the question should be raised here; that a judgment of one of our courts granting naturalization cannot be attacked collaterally for any purpose whatsoever.

The Arbitrator. I perfectly understand that; that question will come up hereafter.

Mr. DE CHAMBRUN. If your Honor will permit me, I will suggest that there is a provision in the protocol which extends the scope of inquiry by your Honor.

The ARBITRATOR. I wish to repeat here that counsel do not lose their right to raise objections by not interposing them right away; they can be reserved.

Mr. DE CHAMBRUN. What became of the cargo you had on board the Ardense when you sailed for the Canary Islands?

A. The cargo was unloaded and sold.

Q. You did not dispose of the cargo prior to your return?

A. No, sir; the cargo was on board.

Q. How did it happen that you could not make the Canary Islands on that trip?

A. I have answered that question; the wind was too much to the eastward, and I had, of course, to get as near the wind as I could; I got as far south as latitude 22, but I was not even able to reach St. Helena; I was close on the wind always.

Q. Captain Pelletier, have you ever read or seen this article or statement, published in a paper called "Fox's Illustrated Week's Doings," and printed in New York; it is the issue of March 8th, 1884, and the article is headed "A Modern Pirate;" have you ever seen that? (Showing paper to witness.)

A. I never saw that.

Q. Did you have at that time, or a little before, an interview with a reporter of that paper?

A. I do not know the paper; I never saw it in my life; I saw a paper called "The Morning Journal," in which they published an article and described me on an expedition, when I had never left the city of New York.

Q. Read that article, and tell me whether you did not see the reporter?

A. I talked with a great many people.

The ARBITRATOR. Mr. de Chambrun, I would like to know whether there is any legitimate purpose in prosecuting this line of examination?

Mr. DE CHAMBRUN. We propose to show a connection between this witness and the sale of certain Haytien bonds in New York.

The ARBITRATOR. I do not think that this is necessary.

Mr. DE CHAMBRUN. To whom were the five-franc pieces consigned when they were shipped from Paris?

A. That I cannot tell you; I don't know.

Q. Who delivered them to you?

A. Dubruil, by order of Delauney.

Q. Have you known one John B. Tardy, of Brooklyn?

A. No, sir; I think you are making a mistake in the name.

Q. Then Sardy?

A. Oh, yes; ever since he was a young boy I knew him.

Q. Is he living?

A. I do not know; I have lost sight of him; he was married to a Miss Prince, of Cumberland, Maine.

The ARBITRATOR. (To the witness.) You have stated in your previous examination that the bark "William" cleared from Mobile for Carthagena; for what port did she clear after she left Carthagena?

A. For Rio de Hache, on the way to New Orleans.

The ARBITRATOR. And instead of going to New Orleans you went next to Georgetown?

A. Yes, sir.

The ARBITRATOR. Did you take a clearance from Georgetown?

A. Yes, sir; for Port-au-Prince, and from Port-au-Prince to New Orleans.

Mr. JACKSON. At our last meeting the counsel on the other side called for the original of Pelletier's examination in Hayti. It has been sent here, and as I do not know at what point the they wish to examine it, it is here, both in translation and in the original.

IN REBUTTAL.

Examined by Mr. CASON:

Q. How long did you serve as an apprentice at sea?

A. I served from the age of 16 to 21; but in the meantime, although an apprentice, I used to be also 2d mate before my time was out with Captain Blanchard.

Q. From the time that you first came to the United States to the time that you were naturalized, state whether you ever changed your residence from the United States to any other country?

A. I never did.

Q. In all your matter connected with the sea, and the owning of vessels, how many difficulties have you had?

A. None, except the little insurance troubles.

Q. How many other troubles, except those you have named?

A. I have had none, except with the bark "William" and the "Ardennes."

Q. Immediately before you purchased the "William" and made the voyage in her, I desire you to state to the Arbitrator, as near as you can, the character and extent of your business?

A. I had been engaged in the Australian packet business; it was an extensive business; and besides that I was building large glass factories; then I introduced a machine to make boots and shoes, in which Mr. Simeon Draper was connected with me, and also in other business.

Q. Did you have business in any foreign countries?

A. In Havana I introduced a railroad-chair, connecting the rails, while the shoe business was going on.

Q. What was the character of that machinery for making boots and shoes?

A. It was a very extensive machine, and a very dear one.

Q. Was it patented?

A. Yes, sir; the patent exists in the Patent Office; there were 18 patents.

Q. If there was any necessity for having the firm of Rice, Delaunay & Co. to transact your business, state what that necessity was?

A. I was very heavily engaged outside of New Orleans, and I had to put my business altogether under the control of Delaunay & Co. at that place.

Q. State what amount of business Delaunay & Co. were doing per year?

A. A very large business as cotton brokers; they were very extensive brokers.

Q. Do you remember at this time the point where you put the money on board the "William" at Mobile, whether it was at the wharf or down in the lower bay; if so, state the manner in which it was put on board?

A. I cannot, as I said before, say whether it was at the wharf or whether the vessel was anchored in the lower bay; I know that the boxes were hauled in by the main yard.

Q. In what way?

A. By tackles, and the strap so used was a chain, as far as I can remember, put around the boxes and hooked to the tackle.

Q. Do you remember the number of boxes the silver was in?

A. I do not know.

Q. State what is the nature of the papers called by sailors "protection" papers, and whether there is a habit among sailors in using names not their own in connection with these papers?

A. Sailors have generally what they call protection; that is nothing but a passport to show their nationality, and it is the general custom of every sailor if they lose their paper to go to a shipmaster and he furnished them with other papers; he has a large quantity of them, and they go by the name put on those papers; every shipmaster will tell you this.

Q. When did you first hear that one Cano claimed to own the goods you had on your vessel which were shipped by Cortez?

A. I never knew anything about it until at the court-martial or at my trial; it was about the time I was to be tried in Hayti.

Q. Did you know this Cano at all prior to that time?

A. I never did.

Q. What precaution did you take at Grand Caymen to have

a bill of lading and get Cortez to make it out so as to show his ownership of the goods?

A. When I shipped the goods they were all marked "J. C.," and bills of lading were signed at Carthagena, Juan Cortez; on account of the stress of weather I was obliged to put in Grand Cayman, when the goods were sold at auction, and because they didn't bring enough the auction was put off; I then paid for those goods more than double the auction price, and I was very careful to demand from Cortez whether anybody was interested in those goods besides him, and he swore before the American consul that nobody was, and then I took the goods.

Q. At whose instance was that auction discontinued at Grand Caymen?

A. At the instance of Cortez, because they didn't bring enough money.

Q. Did Cortez at any time give you any intimation that he was not the owner of those goods prior to your leaving them at Grand Caymen?

A. He never did.

Q. You have stated that you charged Cortez $500 for passage and payment of freight; state what you did in relation to paying Cortez' way to Jamaica, if anything?

A. I paid $250 to Mr. Eden for the charter of his schooner to take Cortez and his family back to Jamaica; I paid it out of my own pocket.

Q. State whether there were any losses on the goods you took from Cortez for this $500?

A. The goods which I sold to the American consul I didn't make anything on; I think he took it exactly at the price I paid for it; so far as the tobacco was concerned, I took it with me to Port-au-Prince, but didn't make anything on it; it was damaged by water, and Wilson, who bought it, didn't make anything out of it.

Q. Did you make anything?

A. No, sir.

Q. After you left the banks of Caico, did you come to anchor in any smaller bay along the coast of Hayti?

A. No, sir.

Q. Did you come to anchor in Fond du Lac, near Caracale?

A. No, sir.

Q. Did you meet any schooner or vessel along the coast of Hayti, which you saluted with a French flag, after leaving the banks of Caico?

A. No, sir.

Q. Did you use the French flag at any time, except when going into Fort Liberté, and if so, state what use you made of it?

A. I hoisted for two days a little French flag on the foremast head to call a pilot; I had that French flag with me then, as I had a French flag with me in every ship; I floated it in all ships at the fore as a signal that I was an old Frenchman; but when I hoisted it at the fore on the "William," it was to call a pilot.

Q. How long was this before you went into Fort Liberté?

A. Two or three days; and it was only at the last, when I got tired and nobody came, that I saw the fort; as soon as I recognized the flag of Hayti, I wished to get out, but I could not.

Q. While you were waiting for a pilot, state the condition you were in?

A. My rudder was hanging by the top pintal; my foresail was gone; my foretopmast was sprung, and the vessel was making water.

Q. Did you have any pilot on board your vessel at Fort Liberté?

A. Never.

Q. Did you invite any young people, men or women, to come on board your vessel at Fort Liberté?

A. Never; there was very little room for anything of that kind.

Q. During the trial in which you were convicted, state

whether you heard or knew of any statement being made by the crew that you had a ball on your vessel at Fort Liberté?

A. I do not know.

Q. Had you any false deck or platform made by your carpenter after you left Mobile and before you were arrested?

A. No; how could it exist with the dye-wood which I had in the hold?

Q. Then the hold was full?

A. Yes, sir; full of sticks of all sorts, and shapes, and lengths.

Q. On page 104 of executive document 260 is the name of Henry Tyrelle, and the following language is used: "Q. He was asked if Urbane didn't tell him to use all his influence to dissuade Pelletier from his intended slave trade and his ball?" State whether there was any such person as that, any man or male person on board, testified by that name before the court?

A. There never was.

Q. Do you know who this person spoken of as Henry Tyrelle was?

A. It was a woman—a sister of Castay.

Q. Do you know whether she took the name of Henriette Tyrelle?

A. I do not know.

Q. State whether this woman testified as it is here?

A. I didn't hear it.

Q. Is the Captain Stubbs mentioned on pages 85 and 86 of this document No. 260 the same Stubbs you have been testifying about this morning?

A. It is the same Stubbs, of the "Alma."

Q. Did you let him have the gold dust?

A. Yes, sir.

Q. You stated in your cross-examination that you told these parties at Fort Liberté that you had been at Guadaloupe, that you had been disabled and lost your rudder, and that you added that there was not a word of truth in what you stated to them;

now say what you meant when you said there was not a word of truth in anything you said.

A. After getting in Fort Liberté and seeing the impossibility of getting out of that port, and having recognized the Haytien flag, I knew I had to evade all that I could to prevent my ship being recognized, as I should have been the victim of their hate; so that I called the vessel the "Guillaume" and I called myself Le Tellier; I forbid the American part of the crew speaking English; I had a firm idea then as to what I should do to save my ship, and I would do it again.

Q. Do you mean to say that there was not a word of truth in what you say as to the condition of your vessel?

A. O, no, sir; that was all true; but there was not a word of truth as to the trip to Guadaloupe, or that the vessel was the "Guillaume," or that my name was Le Tellier.

Q. What was your reason for telling this story?

A. I wanted to set them on the wrong track altogether.

Q. Who do you mean by them?

A. I mean the Haytiens.

Q. I wish you to state, if you know, where any of the crew you had on the vessel are now, except Collar?

A. I do not know.

Q. Do you know where Brown is?

A. No, sir; I have made inquiry and am making inquiry now.

Q. You were asked something in relation to West Virginia lands on cross-examination, and you stated that certain matters were now in litigation; I wish you now to explain this more fully?

A. Those Virginia lands have been in litigation for years and years, and that very same paper which was produced on my cross-examination was in relation to those very lands; I mean the paper which was just read from; I have now my title standing in the court of West Virginia.

Q. Do you mean title to all the lands or only a part?

A. Five hundred thousand acres were sold on mortgage, and there are about 150 thousand acres now in controversy.

Q. In litigation?

A. Yes, sir; 500,000 acres were sold under a small mortgage, and I lost them, not being able to be present on account of my being in jail in Hayti.

Q. Have you mentioned in your claim in this arbitration the hundred and fifty thousand which are in litigation now?

A. No, sir.

Mr. ELDREDGE. You mean to say, then, that the hundred and fifty thousand acres are in litigation now, and that five hundred thousand acres you lost?

A. Yes, sir.

Q. That is, they were sold on mortgage while you were in the Haytien prison?

A. A man named Joseph Medlin bought them.

Q. How much was the amount of the mortgage?

A. I think about $2,600, and the land was bought for $1,400; five hundred thousand acres for $1,400.

Mr. CASON. State, as near as you can, whether you had any message from President Geffrard while you were in prison at Hayti, and if so, by whom?

A. After having crossed the island in irons, after having been beaten and abused, I arrived at Plaisance; there I was carried on a litter made of bamboo sticks, and when I arrived at Cape Hayti I was put in irons once more; that aroused the indignation of all the foreign consuls; they called upon me and they were angry, and made some representations or wrote to Port-au-Prince to the President; the President immediately sent his sister, Mrs. Castain, with $200, of the country, and she came to the jail and put herself on her knees and cried and said, "Don't blame my brother; he sent this money to you; he is obliged to be cruel and to allow this cruelty;" this is exactly what took place.

Q. State whether she said anything about the President—anything of your innocence?

A. She did, but she said that the President could not help it.

The ARBITRATOR. I hardly suppose that this is evidence.

Mr. CASON. She was acting as the agent of the President.

The ARBITRATOR. Why, it is merely the hearsay of hearsay.

Q. Did you go yourself to the President?

A. I sent the archbishop who came to see me in prison; I sent him to the President.

Q. Did you know anything except what he told you?

A. On his return he told me——

Q. You did not see Greffard yourself, did you?

A. Yes, sir; I saw him before.

Q. But I mean afterwards.

A. No, sir; I never saw him after I was arrested.

Mr. STANTON. Do you remember whether in this famous cross-examination this testimony occurred:

"Q. You have testified here that the greater part of the time you were at sea you were engaged in managing foreign vessels in South American waters; when did you leave South America or the West India Islands and come to New York to reside?

"A. I came to the United States and resided in the United States on American ships until I came of age, and went to school in the United States, and while abroad on board of foreign vessels I was acting as sailing master, under captains belonging to the nations which those vessels represented; I never commanded any foreign vessel; I was not on the register as such; I only acted as a sailing master.

"Q. Then you were not captain of any of those foreign ships you have given us the names of, and which you said you commanded, but sailing master only?

"A. I was the sailing master of the vessels named, and, in fact, commander, and my order was obeyed; as I was an American, I could clear no foreign vessel from the port where it belonged; there must have been a nominal captain there to clear the vessel."

Q. Is that true?

A. Yes, sir; it is true.

Q. Did you testify that?

A. Yes, sir.

Q. Did you ever abandon your citizenship?

Mr. BOUTWELL. That is a question of law and not of fact.

Mr. STANTON. Did you consider yourself all the time as residing in the United States?

A. Previously to going away in the South Seas, Blanchard drew up my first paper, which was filed in Albany, and is filed to this day; that was in 1836 or 1837.

Q. Where is Blanchard now?

A. In Cumberland, Maine.

Q. Did you ever change your residence from the United States?

A. No, sir.

(Objected to by Counsel for the Republic of Hayti.)

Mr STANTON. It is a question of intention, and it is proper to ask the question.

The ARBITRATOR. It is partly a question of intention.

Mr. STANTON. Did you ever have an intention to abandon your residence?

A. Never; no more than going to Mexico during the last year.

(Objected by Counsel for the Republic of Hayti.)

The ARBITRATOR. The question of intention might be raised if the naturalization is open to attack collaterally; if the point be made that he resided out of the country during the time prescribed by the law, and whether he can be considered a resident, under such circumstances, of the United States, then the question as to his intention might be raised; but I cannot decide the question now.

Q. On your cross examination the name of Louis Legallin has been referred to; how much of that transaction did you see with your own eyes?

A. I saw him marching with irons upon him; we were together, and we were pelted with stones and cut; I saw him bleeding on the side of his neck; I saw him fall; and I saw

them put the stick in his irons, dragged along over the stones, and I saw them when they thrust me into jail; I saw him drinking dirty water out of the gutter, and I learned afterwards that he was dead.

Q. Was he present at this trial at any time?

A. I didn't see him or hear of him; I do not believe he was.

Q. How were you situated in court; could you see the witnesses?

A. No, sir; I was completely boxed up; there was merely a little place so I could see the judge on the bench and the attorney for the Government; I was surrounded by soldiers with bayonets, although I was in chains, just as if I was going to break the box open.

Q. Describe this window?

A. It is an opening made so I could see the judge; it was a hole cut into the boards.

Q. How large was it?

A. It was about large enough for a man to get into.

Mr. Stanton. What circumstances induced you to refuse to make defense?

A. My attorneys, Mr. Pradine and Mr. Laveaux, repeatedly asked after these papers from Grand Caymen, which positively proved my innocence; they wanted to read them, but were refused; several subterfuges of counsel were given until the day of trial, and then a paper was passed to me by Mr. Pradine in writing; it was this: "Deny the jurisdiction of the court, as you are condemned beforehand, and ask us to withdraw from your defense;" after reading that paper I said I could not answer a single question, and would not defend myself, as I was condemned beforehand.

Q. What occurred there that induced your attorneys to withdraw from the case?

A. Because one was sent to prison in relation to those very papers; he talked pretty much, and said it was a great outrage that those papers were not delivered, and the judge sent him to prison; Mr. Pradine, the other attorney, wished to examine

Miranda about the galleys in France; he wanted to ask him a question on that point, and the judge would not allow him; he was threatened to be sent to jail, and he withdrew.

Q. What was the character of these gentlemen, your attorneys?

A. Mr. Pradine was one of the most eminent men of the country, and was afterwards minister to France; he is a true lawyer and gentleman; Laveaux is also another very eminent lawyer, but I believe has never left the country.

Q. Who was Delandes?

A. He was president of the chamber of representatives: he was also dean of the lawyers—the chief of the lawyers there.

Q. Why did he withdraw?

A. He got scared; everybody was scared there.

Q. Were those papers of yours which you demanded produced at any time on the trial?

A. Never.

Q. Was any reference made to them at all?

A. No, sir; and neither Cano or Cortez was brought there.

Q. Then they didn't testify on your trial?

A. No, sir.

Q. Was Delandes threatened by the judge?

A. Not publicly; but he withdrew, saying he was afraid.

The ARBITRATOR. Was this the original or first trial?

Mr. STANTON. I ask him with reference to any time.

The WITNESS. I am speaking of the jury trial.

Mr. ELDREDGE. It was not the cassation court?

A. No, sir.

Mr. STANTON. Then in the jury trial these witnesses didn't testify against you?

A. I didn't hear anybody; I heard a deposition read; I suppose it was the deposition taken before the judge of instruction in private, but there was no testifying there to my knowledge.

Q. On page 112 of document No. 260, in what purports to

be the report of the appeal before the court of cassation, it is stated that "copies of the papers seized on board of the William were delivered to them;" were any such papers delivered to you?

A. Never.

Q. Or to your counsel?

A. Never; they were refused positively, and you will find the counsel there demanded them.

Q. Refused by whom?

A. By the authorities of Hayti; by the minister of justice and the attorney of the Government.

Mr. ELDREDGE. Was he conducting the trial?

A. Yes, sir.

Q. On behalf of the prosecution?

A. Yes, sir.

Q. You are accustomed to trials in the United States; now in what purports to have been your trial there, was there any trial according to your ideas of what a trial should be?

The ARBITRATOR. You might ask the same thing in reference to a trial in Germany or France.

Mr. CASON. But, if your Honor please, this is more like a trial in Africa.

Mr. STANTON. Was there any witness examined before that court which tried you by jury?

A. No, sir.

Q. Was there any person making an appearance as a witness on the trial?

A. I didn't see any person; there might have been, but I didn't see them.

Q. Did you hear them?

A. I heard the reading of the depositions.

Q. Did you have any notice of any deposition being taken?

A. No, sir; I didn't.

Q. Did you have any witnesses of your own?

A. No, sir.

Q. Did you offer any of your own?

A. Not at all.

Q. Why not?

A. Because I was not defending myself; and, secondly, if I had produced the witnesses they would have gone to jail at once.

Mr. ELDREDGE. Did you hear of any deposition being taken?

A. No, sir.

Q. Were you notified of any?

A. No, sir.

Q. Or your counsel, were they notified?

A. No, sir.

Mr. JACKSON. I notice here an executive document, 86, a sworn statement made by the witness to Mr. Secretary Evarts: it is on the 3d page; do you recognize it now? (Showing to witness.)

A. Yes, sir.

Q. Are the facts stated there true?

A. Yes, sir.

Q. I wish now to call your attention specially to two statements here: "The vessel was afterwards used in the ice trade between Bangor, Me., and the Island of Hayti, the President being at the head of a company that had a monopoly of the ice trade for that part of the island belonging to Hayti. The sale of my vessel for the use of the President and his ice company to carry on their monopoly was brought up in the congress of the Republic and severely condemned."

The ARBITRATOR. Is that evidence; has he any knowledge of the facts there stated?

Mr. JACKSON. Upon what did you predicate those statements?

A. Upon the report of Mr. Pradine, my lawyer.

The ARBITRATOR. Oh, that is not evidence at all.

Mr. JACKSON. I will read a little further: "The French Vice-Consul, Mennan, at Cape Haytien, who acted so injuriously against me at Port Liberté, presenting his pistol at my head among other insults, was, on the report of his proceed-

ings to his Government, censured and removed from his office on account of his conduct towards me, and his successor was one of my best friends." Upon what did you predicate that statement?

A. Upon the Marquis Forbingarson, the French minister to Hayti, who made a report to his Government.

The ARBITRATOR. This either is not evidence at all or it is evidence against himself.

Mr. JACKSON. Well, if your Honor please, we put those statements in evidence.

The ARBITRATOR. I consider this as entirely immaterial. Suppose this consul was removed for his course in that matter, what bearing has that on the matter in this case?

Mr. ELDREDGE. Only this: That the Haytien Government makes the point that the consuls approved the action of the Government.

The ARBITRATOR. I still think it has no bearing on the question.

Recross-examination.

By Mr. DE CHAMBRUN:

Q. When were you naturalized?

A. In 1852.

Q. Did you make a declaration of intention prior to your being naturalized?

A. I took some witnesses to prove that I had come here as a boy, and had been to school and was educated here.

Q. I don't ask you that; I ask you whether you made a declaration of your intention prior to your naturalization?

A. I took those witnesses who had been at school with me to the judge, and he questioned the witnesses whether they knew me since I was a boy, and when I arrived in the United States, &c., and upon that he gave an order for my naturalization.

Q. I ask you again whether, prior to the final steps taken to secure your naturalization, you declared your intention?

A. Yes, sir.

Q. Where?

A. As I testified a little while ago, it was in Portland, Maine, that the declaration was made by Captain Blanchard and filed.

Q. At what time?

A. It must have been in 1834 or 1835 or 1836; I can't remember.

Q. What was your age at that time?

A. I suppose then I was about 16 or 18.

Q. Was Blanchard your guardian?

A. He was shipmaster on the vessel in which I was sailing.

Q. Do you claim that he had authority to make a declaration of intention for you?

A. At my request he did; I requested him.

Q. Did you sign that declaration of intention?

A. I think I did.

Q. Did you swear to it?

A. I know it was legal, because Captain Blanchard understood what he was about.

Q. Will you please inquire for those papers and bring them here?

A. I will certainly do all I can to bring them here.

Q. You stated when you went to South America you became captain or owner of ships; did you do that as an American?

A. I always went to the American consul, and also had the very same paper called "protection" as an American seaman; but I didn't go as captain; I went as sailing master.

Q. Didn't you know that you had no right to claim to be an American when you were not?

A. I had filed my declaration, and I knew when a boy comes to the United States and files his declaration that he gets protection.

Q. When you were in Hayti, and in prison, did you communicate freely with your counsel?

A. Not very freely.

Q. Well, did you communicate with him?

A. Yes, sir.

Mr. Boutwell. In your last statement you spoke of either ne manner of hoisting the silver on board the vessel or the nanner in which this specie was hoisted on board?

A. I mean on board the "William;" they were hoisted in hat way.

Q. You mean, then, that they were actually hoisted in the nanner you describe?

A. Yes, sir.

Q. Was this in the lower bay or at the wharf?

A. I don't remember.

Q. If you were lying at the wharf would it have been noisted in that way?

A. Yes, sir.

Q. Was it in one box or many?

A. I don't remember.

Q. Did you hear that person testify who testified as Henry Tyrelle?

A. I could not hear; no, sir.

Q. By what means of knowledge are you now able to say that the person was a woman, and not a man?

A. Because I knew the person, and there was such a person as Henrietta Tyrelle, as she claimed to call herself, and I knew there was no man of that name on board my ship.

Q. This woman on board your ship was called by what name?

A. She had several *aliases*.

Q. I mean on board the ship?

A. Mrs. La Collette.

Q. Have you any other means of knowing that she was present and testified under the name of Henry Tyrelle?

A. I only know that no such man existed on board my ship, and of course knowing that name, I knew that that was a false statement in the woman.

Q. This woman was on board the ship during the whole cruise, was she not?

A. Yes, sir.

Q. Then she had means of knowing what flags were raised?

A. Yes, sir; but I doubt if she could describe on what mast the flag was raised; she was not a sailor.

Q. She was not at sea for that purpose, then?

A. No, sir.

Q. You say you hoisted at the fore a French flag for the space of two days?

A. Yes, sir; for two or three days.

Q. Where was your vessel lying at that time?

A. On top of the sea.

Q. In what neighborhood; in the vicinity of what land?

A. I told you previously that I had lost my rudder; I thought that I was near La Platte.

Q. How long after you had hoisted the French flag at the fore before you arrived at Fort Liberté?

A. I hoisted the flag for two or three days, and then I went right into port.

Q. Was there a space of time between your taking down the French flag at the fore and your raising it again at Fort Liberté?

A. I left that flag flying all the time, except at night; I then took it down and put it up again.

Q. Then you were in the neighborhood of Fort Liberté!

A. I must have been.

Q. Was there any vessel of 300, 400, or 500 tons burthen flying a French flag at the fore or otherwise?

A. No, sir.

Q. Was the weather clear?

A. Part of the time it was clear.

Q. How much distance did you make in those two or three days when you were flying the French flag.

A. I didn't make any distance at all, because I was beating and tacking.

Q. Were you in the neighborhood of Fort Liberté all that time?

A. Yes, sir.

Q. Were you not in sight of headlands in the neighborhood f Fort Liberté?

A. Well, I don't know; I was tacking and waiting for a ilot.

Q. But you were in sight of the land?

A. Yes, sir.

Q. Were there not some points of observation that you had ight in front of the fort?

A. I didn't see Fort Liberté except when I went in; the oast of San Domingo is very uneven, and I expected every noment that my signal would bring somebody out to take me nto port.

Mr. ELDREDGE. You stated that the captain drew up your leclaration in Portland, Maine?

A. Yes, sir.

Q. Where was it filed?

A. We signed it down to New York, and it was then sent y him to Albany.

Q. You mean your declaration of intention?

A. Yes, sir.

The ARBITRATOR. It was not filed in Portland, Maine?

A. No, sir.

Mr. CASON. You mentioned about this woman coming on oard; state what the arrangement was when she came on oard?

A. She came with her brother for the purpose, after we nade the arrangement for guano, of staying with her brother n the island, and remain with the men who were preparing he guano; that was her intention.

CHARLES F. ROWE,

witness called on behalf of the defendant to prove a certain locument, after being duly sworn, testified as follows;

Examined by Mr. DE CHAMBRUN:

Q. How old are you?

A. I am 31 years of age.

Q. Where do you reside?

A. I am a resident of the District of Columbia.

Q. And what is your profession?

A. I am a practicing attorney here.

Q. Were you appointed a commissioner in a certain case entitled Moore *vs.* Yeager, equity case No. 2863?

A. I cannot say I was appointed; I was selected by the counsel in the case.

Q. Please look at this document, and tell us what it is! (Handing document to witness.)

A. This is a record of the testimony taken before me as commissioner in this case of Moore against Yeager, with my certification of the record as commissioner.

Q. Was Captain Pelletier examined in that case?

A. He was.

The ARBITRATOR. What you want to get at is, whether he was sworn and testified there, and whether his evidence was taken down accurately?

Mr. DE CHAMBRUN. Do you know the handwriting in this document?

A. It is in my handwriting, except the signatures of the witnesses.

Q. Are you satisfied that you took down carefully the examination of Captain Pelletier, and his cross-examination?

A. Yes, sir.

Q. Was Captain Pelletier sworn?

A. Yes, sir; he was sworn to speak the truth, the whole truth, and nothing but the truth.

Q. Will you state briefly why the testimony is not signed?

A. I could not say, except that at the time when the testimony was called for by counsel to be filed Captain Pelletier was not here to sign it, and by direction of the counsel it was filed without his signature.

The ARBITRATOR. Was it certified by you?

A. Yes, sir.

Cross-examined by Mr. STANTON:

Q. Was the testimony of the witness ever completed?

A. The examination, it seems, was broken in two; Captain Pelletier left while the cross-examination was in progress, and went away from the city. I do not know whether I have seen him since the last session before me; but, at any rate, he was not here to conclude his examination, and the counsel requested that the paper be certified to the court.

CAPTAIN WILLIAM WEBSTER,

a witness called on behalf of the claimant, was duly sworn, and testified as follows:

Examined by Mr. STANTON:

Q. What is your occupation, captain?

A. Since my early boyhood I have been at sea.

Q. Commanding vessels?

A. Yes, sir.

Q. Will you tell, as near as you can, what the practice is in regard to signals calling pilots on board of vessels; what kind of flag do you hoist?

A. It depends on what sort of flag you have handy at the time; you hoist a flag for a pilot at the top of the foremast; it might be a flag or might be a mere signal; any signal run up to the fore is to call somebody, unless it is a private signal, which some ships fly at the fore; sometimes they fly a regular flag with the initials on in large letters, designating the company to which the vessel belongs.

Q. What is the custom as to carrying foreign flags?

A. All vessels are supposed to have foreign flags on board; they don't use them, and are not allowed to use them except on certain occasions; hoisting a foreign flag for distinguished

visitors on board, for instance, at the fore, is merely a compliment.

Q. Would it be anything unusual to hoist a small French flag at the foremast to call a pilot?

A. Nothing unusual at all, or the flag of any nationality.

The ARBITRATOR. It seems to have been understood by the French consul that the flag flying on the "William" was a French flag, and not a signal for a pilot. If this witness has any explanation to make of that I would like to hear it.

The WITNESS. Hoisting a French flag at the fore would be no indication of the nationality of the vessel. It would be hoisted at the main or mizzen peak, but anything on the fore is generally a signal; that is the rule.

The ARBITRATOR. That makes it so mysterious to me that the French consul should have understood that the bark "William" was raising a false flag.

Mr. CASON. I think the explanation is this: that the French consul there was a man of very moderate information; I do not know whether it is susceptible of proof or not.

The ARBITRATOR. It may be so. It seems very certain that the French consul, and other consuls, were mislead by that into the conviction that he was raising a false flag.

Mr. ELDREDGE. He raised it for the purpose of misleading.

Mr. STANTON. He raised it, in the first instance, to call a pilot; and afterwards continued it and assumed a false character for the purpose of deceiving.

Q. (To the Witness.) What are these papers called "protection" papers given to sailors?

A. They are given to protect seamen in case of shipwreck in a foreign country, so that the consul can send the sailor home.

Q. Where are they given?

A. At the custom house where the vessel clears.

Q. What is the practice with regard to the names in the papers; do the sailors often change their names, or go under false names?

A. Sailors and soldiers are always changing their names when they enlist; it is a very common thing for sailors to enlist under fictitious names; any name was given in a protection paper in olden times by shipping masters, simply because they had them on hand, if the age and description suited the sailor applying.

Mr. ELDREDGE. Why did they give out these papers?

A. It would save them the difficulty of going through certain forms to get the protection; it was a common thing.

Q. It is not looked upon as a very criminal thing, is it?

A. No, sir; but there are some changes in the law since then.

Mr. STANTON. How long have you known Mr. Pelletier?

A. For 26 or 27 years.

Q. Do you know what business he was engaged in at the time you first knew him?

A. I knew him in New York, when he was engaged in the shipping business; I was also engaged myself in fitting out ships.

Q. Do you know any other business he was in at that time?

A. I know he was mixed up in various business matters; he was always in business operations; he was buying and selling ships, to my knowledge.

Q. How long have you been commanding ships?

A. I was commander of a vessel when I was 19 years old, and have owned a great many ships up to the close of the war, or rather until 1870, when I left the sea.

Q. You have had long experience, then, in that business?

A. Forty odd years.

Q. State whether it would be anything extraordinary, or out of the way, or reprehensible, if a vessel were in difficulties in a foreign country, if the people were hostile and disposed to injure her—whether it would be anything out of the way to hoist a foreign flag?

The ARBITRATOR. I think that is hardly a proper question; it is not a question for experts.

Mr. STANTON. I think we might show that any commander of a vessel, under similar circumstances, would do just as Pelletier did.

The ARBITRATOR. You have all the facts before you, and they are also before me, showing the reason which he gives for the action he took; whether that was a sufficient reason, or rational conclusion to which he came, is a question we must consider.

Mr. STANTON. Do you know anything of the Guano Islands in the Carribbean Sea, or in the neighborhood of Cuba?

A. There are a great number of small islands around the Carribbean Sea, around Cuba and the Bahamas, and companies have been formed for years to get guano there.

Q. Do you know the island of Buida?

A. I never was on it; I have heard of it; it is a coral island built upon a coral foundation; Sombrero is one of these islands; it is worked by a foreign company, and is not very far from Cuba; about 80 miles.

Mr. ELDREDGE. Do you know the location of this island of Buida?

A. No, sir; I could find it on the chart, however, if it is laid down; but a great many of these islands are not on the chart.

Mr. STANTON. If your Honor please, it is of the utmost importance that we should have the testimony of Mr. Pradine, the lawyer who acted for Mr. Pelletier on his trial, if it can be called a trial; it was a condemnation from the beginning.

The ARBITRATOR. I do not see any reason why a commission could not have been sent there to take the testimony of Mr. Pradine before this time.

Mr. STANTON. It would be far more satisfactory to have him personally present.

The ARBITRATOR. I should greatly prefer it myself, but if he is a lawyer in large practice there he will not come here.

The Arbitrator then made the following rule:

Cross-interrogatories must be filed within one week after the filing of the interrogatories with the Secretary.

The Commission then adjourned until Saturday, January 10th, 1885, at 10 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against the Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *January* 10*th*, 1885.

Pursuant to adjournment the Commission met at 10 o'clock A. M.

Present:

The Arbitrator, Honorable WILLIAM STRONG:

The SOLICITOR-GENERAL, Messrs. JACKSON, MERRIMAN, CASON, ELDREDGE, and STANTON, Counsel on behalf of the plaintiff, and the Marquis DE CHAMBRUN, Counsel on behalf of the Republic of Hayti.

Mr. DE CHAMBRUN. If your Honor please, I wish to again call you attention to an application which I have made heretofore, that a list of all the papers which have been presented to your Honor shall be furnished to Counsel for the Republic of Hayti.

The ARBITRATOR. Many of the papers submitted to me have by no possibility a bearing upon the case. Some have a slight bearing upon the case, I will not say how much, and others are more pertinent. I will give to Counsel on either side in time a list or statement of the papers which I think are properly within this case—papers which I have examined. But I

must repeat, that there are some papers which have no more bearing upon the case than a newspaper comment.

Mr. DE CHAMBRUN. The only point that I am anxious about is that there should be no paper placed before the Arbitrator which shall not be communicated to the representatives of the Republic of Hayti, in order that we may be able to meet and rebut such papers.

Mr. ELDREDGE. We have no desire to have anything that is not public in this arbitration.

The ARBITRATOR. I assure Counsel that no papers shall enter into the consideration of this case which Counsel on both sides shall not have an opportunity to examine.

Mr. ELDREDGE. I would like to inform your Honor and the Counsel generally that I have applied to the chief clerk of the State Department for a copy of Congressional document No 260. I learn that this document cannot now be had, except in the bound proceedings of Congress. It seems to me, therefore, very important that this document should be printed in the proceedings of this Commission, in order that all parties may have access to it, as it is, perhaps, the most important paper which can be presented to your Honor.

The ARBITRATOR. I understand that commissions for taking testimony have not yet been issued, and that even the interrogatories, or at least the cross-interrogatories, have not been prepared. Under the circumstances, and in view of the doubts I have in regard to the issuance of these commissions by me, I think they had better issue from the State Department, with the seal of the United States, and with the interrogatories and cross-interrogatories attached. I have serious doubts whether I am authorized at all to send out a commission. I am authorized to inquire for evidence, and insist upon the production of evidence, but it does not seem to me that I have the power to commission anybody abroad to take testimony.

The SOLICITOR-GENERAL. The respective Governments are themselves to be active in the procurement of evidence.

The ARBITRATOR. Then let the Secretary of State issue the commissions. There is another thing I want to say, and I want to say it with some emphasis: This matter has been in progress nearly three months, and while we have made some advance we are very far from the end. There has been some delay. I find no fault with anybody. Perhaps the delay was necessary; probably it was due to the fact that I did not suggest until recently what additional evidence I desired to have. If there is to be great delay in the future in the procurement of testimony and evidence from abroad, it may have a very material bearing upon the correct decision of this case. We have now got through one-third of the month of January, and I wish to fix, this morning, a time within which the evidence shall all be here. When the time arrives which I shall fix upon, I shall insist upon going on from day to day without intermission, except from some extraordinary cause, until the case is finished.

Mr. STANTON. If your Honor please, since the last meeting we have considered the subject of these commissions, and we have come to the conclusion that so far as we are concerned it is not desirable that any commission should issue. We have been at great expense bringing our witnesses here, and we shall procure all the witnesses we can and submit them to your Honor. We therefore think it is but reasonable that the Haytien Government should do the same. They have control of their own people and command of large sums of money, while we represent a private individual who has been pressed in every way to carry on his case. We therefore shall oppose the issuance of any commissions.

The ARBITRATOR. I do not insist upon the issuance of commissions.

Mr. CASON. After the last session we called upon the Secretary of State and persuaded him to telegraph to Hayti to know whether he could procure certain witnesses. I understand that the dispatch had to go to Kingston, Jamaica, and thence by steamer to Port-au-Prince. We have no answer yet. Now, we do not want any more time than is possible to get our wit-

nesses from Hayti. As to the witnesses in this country, we will close their testimony very soon.

Mr. DE CHAMBRUN. If your Honor please, the first point is this: We want to know when the Counsel for the claimant expect to close their case. It is impossible for us to say how much time we will need to answer the case, until we know what is put in. At the last session we were led to believe that the case of the claimant was nearly closed. Now it seems to-day that the case is far from closed. Under the circumstances, we cannot give your Honor any idea of the time that we need.

So far as commissions are concerned, I will state that there are certain witnesses who can be brought here; others certainly cannot, for instance, such witnesses as officers of the United States who reside abroad. They cannot be very well sent for by the Government of Hayti to testify here. They must be examined where they are. Their services are required by their Government. In such a case as that, commissions are necessary. As to witnesses coming from Hayti, I do not know, and Gov. Boutwell does not know, what we may need, for the reason that the case on the part of the claimant has not developed enough to show what points we have to meet. If Counsel on the other side were disposed to state precisely what they expect to prove, how many further points they wish to make, and what witnesses they wish to examine, we might form an idea of the time we will require to answer; but at present that is impossible.

Mr. STANTON. I understand the Counsel on the other side to say that he had reason to believe, from what we indicated at the last meeting, that our case was nearly closed. Your Honor will remember that we especially asked you to get the State Department to bring here Mr. Pradine, the attorney of Pelletier in the trial in Hayti.

The ARBITRATOR. That is impossible; the State Department cannot do that.

Mr. DE CHAMBRUN. Your client ought to know that Mr. Pradine died two years ago.

Mr. STANTON. We certainly were not aware of that fact. There are other counsel, however, who are probably alive now, and our purpose is to bring them here if we can. If we cannot, that settles it.

The ARBITRATOR. How much time, apart from the time you will need for obtaining evidence abroad, will you require to conclude your case? I certainly did understand from Counsel for the claimant that you were near the close of your case, except so far as evidence from abroad was concerned.

Mr. CASON. Your Honor is right. We can close it, so far as evidence and witnesses in this country are concerned, in a short time.

Mr. STANTON. I wish simply to say, in reply to the suggestions already made, that, while it cannot be expected that Hayti will order any of our officers here, it would be very competent for the Secretary of State of the United States, and he would be very willing, to give permission to the consul, for instance, Mr. Hubbard, to come to the United States for the purpose of giving testimony in this case, and then it will be for the Government of Hayti to bring him.

Mr. ELDREDGE. I understand it to be the duty of the United States, if your Honor needs the testimony of Mr. Hubbard, to procure his attendance here.

The ARBITRATOR. Do you want Mr. Hubbard's testimony?

Mr. ELDREDGE. No, we do not care about that; I used that merely as an example.

Mr. CASON. We have no objection to the Counsel on this side furnishing the Counsel on the other side with just precisely what we expect to prove.

Mr. DE CHAMBRUN. After consultation with the Chargé d'Affaires of the Republic of Hayti, who is here present, I find that the next mail after the 20th instant that leaves for Hayti sails from New York on the 29th of January. It takes about one month for the steamer to get back to New York.

So I should regard something like the first of March as the proper time for procuring our answer from Hayti.

The ARBITRATOR. That postpones this case very long.

Mr. CASON. It seems that, so far as witnesses in Hayti are concerned, as well as those in the Carribbean Sea, an order of this kind could be made: that the witnesses on both sides should be here at the same time, the claimant to examine his witnesses first and the cross-examinations to follow immediately. After that the witnesses from the Republic of Hayti could be examined and cross-examined. We could then close the matter in a few days, and both sides would be better accommodated.

The ARBITRATOR. I wish to dispose of this case as rapidly as possible with justice to the parties concerned. I see no particular reason why your case, except so far as witnesses from abroad are concerned, should not be closed in ten days, subject to contingencies such as sickness or inevitable accident.

Mr. CASON. We are not likely to bring more than two witnesses from the South seas. Their testimony will not be long.

The ARBITRATOR. Under the circumstances, I will make this order, and I wish to impress it upon Counsel:

ORDER.

Ordered, That the case of the claimant be closed, so far as the examination of witnesses and the submission of evidence is concerned, by the 25th day of January, 1885: *Provided*, That witnesses or evidence brought from foreign lands may be examined or introduced on or before March 1, 1885.

And that the defence shall submit all their evidence by the first of March.

Of course this order does not extend to evidence which may be offered in the way of rebuttal.

This will give me time to study the case. It is one that cannot be disposed of without a thorough and prolonged examination. I wish to say now to the Solicitor-General of the

United States that the other case, the case of Lazare, must be taken up immediately, and I want Counsel when the case is taken up to go through with it at once. I therefore appoint Thursday, January 15th, 1885, as the day when this case shall be called up.

Mr. DE CHAMBRUN. Whenever your Honor is ready to take up that case, the Counsel for the Republic of Hayti are ready.

Mr. BOUTWELL. If your Honor please, in regard to the order just made, if they put in their testimony by the first of March how shall we meet their evidence, unless time be allowed us for that purpose?

The ARBITRATOR. The order will be open then for modification, if any extraordinary circumstances arise. I do not intend to embarrass either side in the producing of their evidence. I mean that the case of the complainant shall be closed in regard to domestic evidence by the 25th of this month, and in regard to foreign evidence by the first of March. Immediately upon its closing I will proceed with the evidence on the part of the defence.

WILLIAM L. RANDALL,

a witness produced on behalf of the claimant, after being duly sworn, testified as follows:

Examined by Mr. CASON:

Question. You can state your age and occupation.

Answer. I am 49 years of age, and by occupation an expert accountant.

Q. State where you resided in 1860.

A. In New Orleans, State of Louisiana.

Q. What was your occupation at that time?

A. I was individual book-keeper of the Southern Bank.

Q. Where was that bank?

A. In New Orleans.

Q. State whether you were acquainted at that time with the firm of Delauney, Rice & Co., or with individual members of that firm.

A. I was, sir.

Q. State whether you know who composed that firm.

A. E. Delauney—

Q. Do you know whether it was Emile?

A. I doubt whether it was Emile or Ernest.

Q. Well, how is it with the others?

A. There was Mr. Rice; I don't know his full name.

Q. What others?

A. Well, there was Captain Pelletier; he was the company.

Q. Do you know in what position Captain Pelletier belonged to that company?

A. I know from the statements made to me by Mr. Delauney that he was a partner in commendum.

Mr. Cason. I am inquiring about the business at the bank, your Honor.

Q. I desire you to state, from the business transactions of the bank in which you were employed, whether you know what position Captain Pelletier had in that company.

A. I could not say, because the firm did not keep their account at the bank; Mr. Delauney kept his individual account there.

Q. State what you know, if anything, in relation to Delauney making a demand or request of you to procure him some money, and what kind of money it was.

A. He made an inquiry of me as to where he could buy a large quantity of five-franc pieces, silver coin.

Q. What time was that?

A. That was in the months of September and October.

Q. The first inquiry?

A. That was in September, 1860.

Q. How much did he inquire for?

A. He told me a large amount then, but he told me subsequently that he wanted about $50,000.

Q. What do you know and what did you see, speaking

from your own knowledge, about the procurement of that money after this first request?

A. I went into his office one evening, about half-past five o'clock, and was there introduced to Captain Pelletier for the first time as his partner.

Q. What time was that?

A. That was in the early part of November, just about the time of the election for President—I think a little later. He then remarked to me, "I have procured what I have sought for;" and he opened a door and said, "there it is in those boxes." He had quite a number of square boxes in a room. I said no more.

Q. What was the character of those boxes? What was the use of boxes of that kind?

A. The moment I saw them I saw that they were boxes usually made to convey or transport specie.

Q. What else did you see in relation to those boxes, if anything?

A. Probably not very long after that I passed by their office, and then I saw a lot of boxes being placed upon a dray. I walked as far as the corner, took a luncheon, and on my way back Delauney touched me on the shoulder and said, "I am shipping this now."

Q. Where to?

A. He told me before where he was going to ship it to. He said, "to Captain Pelletier, on his vessel, at Mobile."

Q. At the time these boxes were put upon the dray, state whether Captain Pelletier was in New Orleans, and there at this house of Rice, Delauney & Co.

A. I saw Pelletier about three times after the introduction—about three times.

Q. State whether that was about the time the specie was shipped.

A. It was before that time. I never saw Pelletier after the boxes were shipped.

Q. How long before was it?

A. About a week.

Q. About how many times did Delauney speak to you in relation to those matters; that is, in relation to the procurement of this money?

A. Probably four or five times.

Q. At the time he made this request about the money, what did he say he wanted it for?

A. I asked him what he wanted to do with so much money. He told me that he wanted to ship it to Captain Pelletier on board his vessel; that he was going to Carthagena, in South America, to bring back a return trip of guano. I asked him whether he thought it would be a good investment, and he said he thought it would.

Q. How long had you known Delauney?

A. About six months.

Q. Prior to that time, or altogether?

A. I formed my acquaintance with him when he opened his account at the bank.

Q. State what kind of business Rice, Delauney & Co. were engaged in; that is, of your own knowledge.

A. I cannot say positively; it was a general brokerage business. They purchased almost everything, as I understood—lumber particularly; I know that.

Q. You spoke about being an accountant there. State, if you remember, about what amount of transactions, and the nature of the transactions done, in this private account at the bank.

A. That was very small; I do not suppose any check was drawn for over the sum of one hundred dollars.

Q. That is on his private account?

A. Yes, sir.

Q. From the business transactions that you had acquaintance with, through the checks which you saw pass through your hands as an accountant, state what you believe was the size of the transactions of that firm.

A. There were checks drawn on other banks by that firm

and which were placed in our bank by our depositors. The next morning they were placed in the list of exchanges. I helped to make up the lists of exchanges.

Q. State what you know, from your employment, what the quantity of their business was.

A. I could not tell you that.

Q. Was it large or small?

A. There were some medium transactions, not very heavy; but I know I saw their checks; sometimes they were for $5,000, sometimes $4,000, and sometimes between those figures; sometimes large amounts and sometimes smaller, but I cannot remember.

Q. What was the character of Delauney in regard to the transaction of business?

A. He was the main spirit of the house; he attended to all the financial transactions; he signed all the checks of the firm.

Q. Do you know the reputation of the house of Delauney, Rice & Co. for doing business—I mean their general reputation?

A. I never heard their standing questioned; I never had a check of theirs returned for want of funds; if their account was not good we would return the check back to the bank, and it would have recourse on the depositor; I never heard it questioned.

Q. What do you know, if anything, from interviews with Delauney about his having procured the full amount of money he wanted—that is, this $50,000?

A. Well, he told me in a subsequent conversation; when he showed me the boxes he said: "I didn't get all I wanted, but I got all I could;" he didn't say to what extent.

Q. Do you know what has become of Delauney?

A. From information I have received, he died some time ago.

Q. Do you know about what time you received information of his death?

A. About 1877.

A. Do you know anything about Rice?

A. No, sir; he was a man I had very little to say to; he was very reticent; I merely exchanged the salutations of the day with him.

Q. Did you know Dubreuil?

A. Yes, sir; he was the book-keeper; his name was Joseph Dubreuil.

Q. As a matter of fact, state to the Arbitrator whether Dubreuil ever said anything to you about that money.

A. He conveyed that specie, as he called it, to Captain Pelletier at Mobile on his vessel.

Q. Do you know what has become of Dubreuil?

A. No, sir.

Q. When did you last see him?

A. I saw him in the spring of 1861.

Mr. ELDREDGE. Was that the last time?

A. Yes, sir; I did not return to New Orleans until 1865.

Mr. CASON. Was he in New Orleans then?

A. I did not see him.

Q. Well, were any members of the firm there?

A. I did not see any of them after the war was over.

Q. Where do you reside now?

A. In this city.

Q. How long have you been residing here?

A. About six years and a half; I came here on the 21st of July, 1878.

Q. You state that you were an expert accountant; just state in what houses you were employed as an accountant; where you learned the business.

A. As a boy I was in the grocery store of Adams, in New Orleans; then I went to Harnden Express, and from there I went to the house of J. Corning & Co., of New Orleans; the firm of Corning & Co. was in New York; they had a branch house in New Orleans; this house of J. Corning & Co. was merged into the Southern Bank under the law of Louisiana; I first acted as collector; then I went to Central Amer-

ica, and when I returned Mr. F. Rodewald was president, and he appointed me book-keeper; I remained there until the war began.

Q. How long were you, altogether, with J. Corning & Co. and the Southern Bank?

A. From 1853 to 1856; I returned in September, 1857; I landed in New York and met Mr. Rodewald, who told me to go to New Orleans and take charge of the books; I remained there until April, 1861; from there I went to Texas, and in Texas I studied book-keeping under Mr. Sorely, of Sorely & Co.; I acquired a knowledge of book-keeping with them and followed it up; I then returned to New Orleans; I made considerable money in Texas in speculating in cotton; I could have returned to the bank, but I travelled on commissions; afterwards I was appointed chief clerk of the money-order department at the post office in New Orleans; I remained there four and a half years; then I was assistant clerk in the legislature for one session; I then went to Texas, then came back to New Orleans, and finally came to Washington.

Q. How have you been employed here?

The ARBITRATOR. Is it a matter of any importance?

A. I was ten months in the Treasury Department as temporary clerk, and, after a civil service examination, I was appointed to the Pension Office; I was a record clerk; there were only 62 of us passed examination, but the funds of the office ran down, and we all had to get out; I then made up my mind not to take a position under the Government again.

Cross-examined by Mr. DE CHAMBRUN:

Q. How long were you connected with the Southern Bank in Louisiana?

A. From the time of its beginning; at the incipiency of it; the house of Corning & Co. was merged into it in 1853, during the winter.

Q. Did you transact a great deal of business in francs in that bank; you say you bought five-franc pieces?

A. We bought exchange.

Q. How was exchange in 1860?

A. I was not the exchange clerk; that was not my department.

Q. What house in Paris did you deal with?

A. The house in Paris was Marcuard & Co. that we transacted business with.

Q. Do you know whether there was a difference at that time between the price of gold and the price of silver, in relation to their standard value?

A. The Southern Bank did not do very much business in French exchange; the bulk of their business was domestic exchange and sterling exchange.

Q. How did it happen that Delauney consulted the Southern Bank about this purchase of five-franc pieces for Pelletier?

A. Mr. Delauney did not consult the Southern Bank; he consulted me as a personal acquaintance.

Q. How did he happen to consult you, since you were not connected with that sort of business?

A. He did not know that.

Q. Then it was merely a passing inquiry on the street.

A. Well, we used to meet of an evening, and he inquired where he could procure it.

Q. You told him you did not know anything about it.

A. I told him that we did not deal in that business.

Q. There your connection with that transaction ceased, and if any inquiry was made it was only in that passing way, and nothing else happened.

A. Nothing else. I would see him almost every evening, and I would converse with him on general matters.

Q. Was the reputation of the firm good—I mean their business standing?

A. I never heard the point raised at all.

Q. Did you regard them as a firm of great importance or of limited means?

A. No, I considered them a house of medium regard; that is the way I looked at it. Very large houses had a capital of about one million dollars.

Q. What would you think was the capital of their firm?

A. I suppose from $75,000 to $100,000; I suppose that would be the capital.

Q. As a man connected with a large bank, how would you have rated Delauney personally?

A. There never was a question raised in the bank, because the firm never kept an account with us; but we regarded him as an individual depositor who kept his account separate and apart from that of the firm.

Q. For how much would you have taken the check of that firm, or discounted their note if you had to discount it?

A. That was a matter for the board of directors.

Q. Well, what was your impression?

A. We would not have discounted a note unless they kept their account in the bank. It was only for depositors that we discounted. This bank was a close corporation compared with other banks. It was not a discount, but an exchange bank.

Q. If anybody applied to you to know the standing of that firm, what would you have answered?

A. Well, that is not my business; I am an expert accountant. When a man wanted to borrow $20,000, he would have to hypothecate collateral.

Q. Would you have discounted their check for $25,000?

A. I suppose so; that is my individual opinion, not the bank's opinion.

Q. What sort of business were they engaged in?

A. Principally lumber, yet they would speculate in anything. Delauney would buy anything; he was a very active man, an elegant fellow in his way, and he would speculate. That was his nature.

Q. Were his speculations in lumber rather limited?

A. I never saw inside of his books.

Q. Do you know whether he speculated in cotton?

A. Only from his own statement; he told me he speculated in everything.

Q. Do you know a man named Vidal?

A. If you mean Michel Vidal, he was a sort of politician after the war.

Q. How was guano sold in New Orleans at that time?

A. I do not know; I merely asked Delauney whether he expected it would pay, and he said he thought it would prove very remunerative; I am not an agriculturist, and of course I do not know anything about the value of such things.

Q. When did you make the acquaintance of Captain Pelletier?

A. In the early part of November, just after the election; he was introduced to me by Mr. Delauney as his partner in business; that is the first time I ever saw him.

Q. That was in 1860.

A. Yes, sir; in November, 1860.

Q. Was anything said between you and Pelletier about business?

A. No, sir; I never conversed with him; I was merely introduced to him, and Delauney then turned and said, "I have what I wanted in the back room;" I looked in, but didn't say anything; afterwards he told me he didn't get quite as much as he wanted; he said he wanted $50,000.

Q. Did you ascertain whether it was coin?

A. I never saw inside of the boxes; he merely pointed to them.

Q. You had no connection with these transactions, had you?

A. Not at all.

Q. Then this was nothing except gossip?

A. Nothing else; I liked to see the man get along, and we would often take tea together; I took my meals about a square from the place where we used to meet, and sometimes

we would converse together; in summer everybody sits at their doors, and in that way we would meet.

Q. You are distinct in your recollection that this was no business transaction between you and them, but mere gossip?

A. That is all.

Mr. Cason. When Mr. Delauney opened the door and pointed to the boxes, was Pelletier present?

A. Yes, sir.

Q. And that was the time you were introduced?

A. Yes, sir; and Mr. Dubreuil was sitting there reading.

Q. Those boxes were the ordinary boxes in which they shipped specie?

A. Yes, sir; I recognized them.

Mr. de Chambrun. Where were those boxes deposited?

A. In the back room of the building.

Q. Was there any protection against burglars or fire?

A. No; I thought of that myself; there was nothing except the locked doors.

Q. No precaution was taken to protect it?

A. I could not tell you anything about that; they may have had a watchman.

Mr. Cason. Do you know the number of boxes?

A. No, sir.

The Commission then adjourned until Monday, January 12th, 1885, at 10 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *January* 12*th*, 1885.

Pursuant to adjournment, the Commission met at 10 o'clock A. M.

Present:

The Arbi trator, Honorable WILLIAM STRONG:

Messrs. CASON, MERRIMAN, ELDREDGE, and STANTON, Counsel for the claimant, and Messrs. DE CHAMBRUN and BOUTWELL, Counsel for the Republic of Hayti.

BENJAMIN F. WHIDDEN,

a witness called on behalf of claimant, after being duly sworn, testified as follows:

Examined by Mr. CASON:

Question. State your present residence.

Answer. I reside at Lancaster, New Hampshire.

Q. What official position, if any, did you hold in the years 1862, 1863, 1864, or about that time?

A. I was appointed by Mr. Lincoln commissioner and consul-general from this Government to Hayti.

Q. At what time?

A. The appointment was in the summer; I arrived at my post on the 27th of September, 1862, as I remember.

Q. How long did you remain in Hayti in that capacity?

A. I remained there until February, 1865, when I resigned on account of suffering from yellow fever.

Q. State whether you were acquainted with Captain Pelletier during the time you were at Hayti.

A. Among the very first things that came up before me to consider, after my arrival, was the case of Captain Pelletier.

The ARBITRATOR. State at this point where your residence was in Hayti.

A. Port-au-Prince.

Q. Did you reside there all the time, or did you make any change?

A. I made no change whatever; I was at that place all the time.

Mr. CASON. Take this Executive Document, No. 260, and turn to page 5, to a despatch from you to Mr. Seward, dated November 20th, 1862, No. 7, and state whether you sent that despatch.

A. I have looked at it; I wrote and sent it.

Q. State whether the matters which you allege in that despatch, of your own knowledge, are true, and whether those that you state on belief you believe to be true.

A. I found them to be true, as I understood the evidence which was laid before me.

Q. Then, those matters which you state upon your own knowledge were true.

A. They were.

Q. Now, turn to page 6, and state whether the despatch from you to Mr. Seward, dated December 25th, 1862, and marked No. 11, is a despatch of yours to Mr. Seward.

A. I have examined it; it is a despatch written by myself and sent to Mr. Seward.

Q. State whether the matters therein alleged, upon your

own knowledge, are true, and the matters which you state upon information and belief you believe to be true.

A. Both were.

The ARBITRATOR. Not desiring to interrupt your examination, I wish to say that there are several matters stated in this communication, No. 11, dated 25th December, 1862, which are given without an accompanying statement alleging that they were within his own knowledge, or whether he obtained them through information; for instance, what took place during the trial.

Mr. CASON. Were you present during the trial?

A. That was before I arrived in the country. I obtained those facts from information that I gained there at the seat of Government, by the attorneys and by those who were present.

Mr. ELDREDGE. If your Honor please, I called Mr. Cason's attention to the fact of the statements, and he said his purpose was to go through the despatches and verify them first, and then go back to the particulars.

The ARBITRATOR. Very well; you can proceed in your own way.

Mr. CASON. In page 7 of this same document I find another despatch, dated February 6th, 1863, marked No. 18. You can give a general answer to the same questions. I will not repeat them.

A. That is a despatch written by me, signed by me, and sent to Mr. Seward.

Q. Can you answer the same way as to the matters therein contained?

A. Yes; the same as the others spoken of.

Q. Immediately below, on the same page, dated November 13th, 1862, is another despatch to Mr. Dupuy. State whether

you can make the same answers to that that you made to the others.

A. I do; that was written to General Dupuy, the acting minister of foreign relations there at that time.

Q. On page 8 there are two despatches, and on page 9 two other despatches, all from you to Mr. Dupuy.

The ARBITRATOR. Does that include No. 7?

Mr. CASON. Yes, sir; it does.

The ARBITRATOR. And No. 3 also, on page 8?

Mr. CASON. Yes, sir.

The WITNESS. I will call them by their numbers, as you see: No. 3, 5, 7, 9, and 11, which goes to the bottom of page 9; I wrote them all

Q. Do you make these same answers in regard to all these despatches?

A. Yes, sir; I do.

Q. On page 41, at the bottom of the page, there is a despatch dated March 31th, 1863, purporting to have been written at the legation of the United States, and marked "J."

A. Yes, sir; and sent to General Dupuy.

Q. Do you make the same answers as to that?

A. Yes, sir; I wrote that and sent it.

Q. On page 43, dated November 6th, 1863, No. 46, is a despatch from you to Mr. Seward; did you write that?

A. I did.

Q. Do you make the same answer with regard to that?

A. Yes, sir; the same answer as I made to the others.

Q. On page 51 there is a despatch dated December 25th, 1862, No. 6, headed "Legation of the United States to Mr. Seward;" that, I believe, is not signed?

A. I have not looked over it, but I think that is the substance written out by some official; it is an abstract; it seems to be the substance of that despatch, No. 6.

The ARBITRATOR. There is quite a number of abstracts among the papers.

Q. On page 55 is the next reference, dated November 6th, 1863; both those are abstracts, I take it.

A. Yes, sir; both are abstracts.

Q. On page 51 there is a despatch from you to Mr. Rugles; state whether you wrote that.

A. I did.

Q. Can you give the same answers as to that?

A. Yes, sir; that is just what I understood to be true at that time.

Q. On page 58 is another.

A. That is one of mine.

Q. Who is that to?

A. It is to Mr. Seward, sending my enclosures.

Q. This despatch is marked No. 66, and dated May 7th, 1864; do you give the same answers as to that?

A. I make the same answers as to that.

Q. The next despatch is No. 1, from Whidden to General Dupuy?

A. It was written by me, signed by me, and sent to General Dupuy, and I give the same answers as to that.

Q. On page 60 there is a despatch, No. 70, dated May 31st, 1864; do you make the same statement as to that?

A. I give the same statement as to that.

Q. Do you know of any other despatches in this document that you have written and sent to any one?

A. I would have to look over the document to answer that; I do not know of any others.

Q. Were you acquainted with Thomas Collar and John Henry Brown at the time you were at Port-au-Prince?

A. I was; they came to the legation a good many times to see me and get assistance.

Q. Now turn to pages 45 and 46; I find there what purports to be an affidavit of Thomas Collar, on page 46, and an affidavit of John Henry Brown, on page 45; state whether you remember having sworn Thomas Collar and John Henry Brown to these affidavits.

A. John Henry Brown and Thomas Collar both, on a certain day, which I presume is the day of the date of this, came to the legation; I took these affidavits, wrote them with my own hand upon their statements, wrote down their language, each of them signed their affidavit, and I administered the oath to each separately.

Mr. STANTON. Near the bottom of page 6, in your despatch dated December 25, 1862, you say: "But from the evidence laid before me in regard to it, I cannot see anything to justify this Government in their extraordinary course towards these men and this vessel. It must have been a proceeding by the Government for political purposes rather than under any law. Nothing was made out to be on board the vessel which indicated the intention they claim. The papers of the vessel, being in the hands of the Government, were not only suppressed, but three (I think that is the number) of the crew at Grand Caymen, who came to Port-au-Prince and stopped, were imprisoned and prevented from being witnesses for the captain." Will you state how you derived the information as to those facts; from what source you derived that information?

A. I obtained that information from a good many sources, from those who were present in court; this transpired before my arrival, and it became my duty to examine into it; I spent a good many days, a good while, in making the examination; I saw some of the principal men of the city who were connected with the Government; I personally inquired of them and of Americans there, and of Haytiens, and learned these facts from them, and so stated in this despatch.

The ARBITRATOR. It is not stated as being under information, but it is very obvious that it is all hearsay. He could not know anything of the trial personally.

Mr. STANTON. I want to ask another question. Whether in your communication with the Haytien Government you represented these facts to them, and, if you did, what was their response?

A. I represented that to General Dupuy and General Damier.

Q. What was their response; did they deny them or admit them?

A. At first they were not inclined to talk much about it; after awhile, by conversing with them, I found that they didn't really deny them.

Mr. Boutwell. I do not know how far this sort of examination can go.

The Arbitrator. Did they admit that nothing was found on board the vessel?

The Witness. Well, they were men not likely to volunteer anything, but I made the scrutiny and examination as close as possible. There was a good deal of humanity in this case, as I found out, and I got this information from all these men, and I extracted the substance of it, and that was my conclusion.

The Arbitrator. That was your inference from their silence?

A. I could not say silence, because they admitted a good many things.

The Arbitrator. There is a multitude of things in this case stated as absolute facts which it was not in the power of the parties to state as facts, and this is one.

Mr. Stanton. If your Honor please, an agent of the Government and minister, as he was, occupying a diplomatic position, and representing to his Government what he ascertained to be true, certainly naturally speaks as he speaks in this case, writes as he writes.

The Arbitrator. Should he not have stated "I have learned so and so," instead of saying as a positive fact that it was so?

Mr. Eldredge. You will find in all these despatches on both sides conclusions which the parties came to.

The Arbitrator. That is no doubt true; it is the same on

both sides; I am not saying it is worse on one side than on the other.

Mr. ELDREDGE. It will be perceived clearly that what I stated at the time of my first appearance before your Honor was right; this correspondence between these two Governments is a different thing from a voluntary statement of information, however competent. Here is a record upon which the two Governments have acted, and they have acted upon statements because they were received from their accredited representatives corresponding with each other. I suppose now, as I supposed then, that this is all proper evidence to be considered by your Honor as it was considered by the two Governments in their treatment of the case and in their adoption of the Protocol which creates this arbitration.

The ARBITRATOR. Do you contend, Mr. Eldredge, that, sitting here as an Arbitrator between these two Governments, I am under obligation to give credit to a statement such as this, as things of fact, as proving the fact that nothing was found on this vessel to indicate her suspicious character, not because of the communications between this Government and Hayti, but because Mr. Whidden, in writing this Government, states that such was the fact?

Mr. ELDREDGE. I will state my position broadly, with all respect and deference to the opinion of others, that the record itself, taken altogether, is evidence in this case, and that when a fact such as the one your Honor has just called my attention to is stated by the representative of this Government to the representative of the Haytien Government, and is not denied by that Government, it is evidence to be taken for what it concludes. Now, as I said once before, this Government and the Haytien Government, in the consideration of this case, went so far, the one denying its obligation and the other insisting upon its obligation to indemnify Pelletier, that they marched, in point of fact, up to the cannon's mouth, and this Government demanded, justly and wisely, either that they should make reparation or that they should be forced to make that reparation.

The ARBITRATOR. That is all true.

Mr. ELDREDGE. Now, when the Government has done all this, are we to go back on the evidence made up, the entire record between these Governments in their official correspondence, and say that this cannot be taken and considered?

The ARBITRATOR. It seems to me that you are arguing a question that is not before me. The question is whether a statement from an agent of this Government to the government of a thing as a fact, is evidence of that fact when it was not within the personal knowledge of the man who stated it.

Mr. ELDREDGE. Perhaps the question your Honor puts is a little premature. Should we not ascertain, without any declaration of your conclusion or conviction, just what the fact is, so far as this witness is informed, and leave the rest to the future?

The ARBITRATOR. Do not misunderstand me. I feel myself bound to examine all these papers, and to give to them the credit which I think belongs to them. I think the protocol makes them in a certain sense evidence, but it does not make them prove the fact stated in these papers, either on one side or the other.

Mr. STANTON. Your Honor will observe that I have assumed that Mr. Whidden could not have known these facts personally, and I am inquiring as to the foundation of his statements.

The ARBITRATOR. I do not object to that at all.

Mr. STANTON. When the witness states that he made these representations to the Haytien Government and they were not denied, then they were virtually confessed to be true.

The ARBITRATOR. I do not know that he has gone quite so far as that. He says that they were not admitted.

The WITNESS. They were not admitted in so many words, but they were not really denied.

Mr. DE CHAMBRUN. I would like to inquire whether, if after the 4th of March Mr. Eldredge should be a candidate, and should be appointed a minister to some foreign country, and

he happens to see the Secretary of State of the country to which he is credited and a conversation occurs between them, which by its very nature cannot be reported, is that to be held as equivalent to a statement of fact? There are alawys passing impressions in the mind of a minister who talks to a Secretary of State, but they are not evidence of the facts.

The ARBITRATOR. I do not think it is worth while to spend any more time in arguing this question.

The WITNESS. Perhaps I ought to say one thing more in answer to this matter in my own defence. I refer to the examination which I made. I do hot not know that I stated it, because it was not asked, but I learned a good deal of what transpired there from John Henry Brown and Thomas Collar. I believe I did not state that before, because that was outside of the question.

Mr. STANTON. I was asking you the extent of the admission of these facts by the Haytien Government.

Mr. BOUTWELL. I wish to make an observation right here. If you desire to ascertain whether a particular fact was stated by Mr. Whidden or a particular statement was made by him including a fact to any person of responsible position under the Haytien Government, then that position should be made known. The particular fact stated by Whidden should be set forth and the answer given, but surely general statements as to his going in and conversing ought not to be admitted.

The ARBITRATOR. That yon can bring out on cross-examination.

Mr. STANTON. I would be glad if the witness would make the statement which he proposes to make.

The WITNESS. I found this case to be one that should be attended to immediately, and I called the attention of the secretary of foreign relations to it.

Q. Who was he?

A. General Dupuy at first; afterwards it was General Damier; they gave me such facilities as I needed to find out

the facts in regard to the trial, in regard to what had taken place, and the law of the case; and I examined into it; in regard to what has been said about my testimony, let me say that upon very careful and close examination, from all that transpired between me and the ministers, I came to this conclusion and wrote these despatches, as I considered it my duty to the Government to do.

Q. On page 43, last line, at the bottom of the page, is this language: "All the ship's papers were in the hands of this Government at the time of the trial; they were not used, and were refused to the respondent upon demand to have them in evidence; copies of these papers, so far as covers the testimony of Cortez, have been obtained from the United States consul at Grand Caymen, which show that this property, claimed by Cortez to have been robbed, was sold by him to Pelletier for a valuable consideration; that this transaction was all before and in the presence of said consul;" please state whether you represented these facts to the minister of foreign affairs.

A. I did.

Q. What was his reply to them?

A. He did not seem to want to talk about it; I suppose it is proper for me to say how I came to receive information and answers.

Q. State in your own way.

A. I brought this matter to his attention and I obtained information from him about it; I had got information on the subject before, and named to him these things and it was not denied.

The Arbitrator. This record says that the copies of the papers were not refused, and yet Mr. Whidden states it as an actual fact that they were refused.

Mr. Cason. The record furnished here by the Court makes that statement, but it is the only place where it is made. The Counsel have asserted it over and over again that they were not furnished. There is no place where it is stated that they

were furnished. The statement in the record of the trial by the Government of Hayti was in the statement sent up to the court of cassation, and clearly those papers were not produced. I think your Honor will come to the conclusion that Mr. Whidden is right in relation to that matter.

The ARBITRATOR. I am only speaking of the difficulty imposed upon me by these statements of things as facts, which the witness no doubt believed to be true. He would not make a false statement, but there is no doubt that it is based upon information that he gathered from persons at the trial. We who have been much in contact with courts know very well that the stories told outside by the persons who were present at the trial, and of what took place there, are very unreliable.

Mr. STANTON. If your Honor please, in regard to this document, which is called a record, the authenticity and validity of which we deny, your Honor will remember that Pelletier refused to defend himself, by the advice of his Counsel, because his papers were refused and suppressed; and yet on page 107 of Congressional document 260, we find this pretended record, which says that "while Mr. St. Armand was speaking, Pelletier broke his obstinate silence and said, I would like to have the ship's register brought and shown to the jury, and all other papers they could find on board." Now, throughout that whole record there is no statement that the papers were delivered to Captain Pelletier or his Counsel. His Counsel deny it, and we deny it, and that is the ground on which he refused to defend himself. It is true that in their paper on file in the record in the court of cassation, it is said that copies of the papers were delivered to the Counsel, but it is not in the original record but in the record of the court of cassation, or what purports to be the record, the validity and authenticity of which we deny, and we will dispute it.

The ARBITRATOR. All that I have desired to say or intimate is that while the testimony you offer may be admissable, while I admit it, it is not testimony in the very nature of things. It may be the best you can produce, but it is not evi-

dence on which absolute reliance can be placed. It is the deduction which the witness has made from representations made to him by others. Now, in regard to these very papers, there is evidence in this record, as you call it, that copies of the papers were allowed Pelletier before the trial, and that it was his fault if he did not take them. Application was made for these papers and permission was given that he should take copies.

Mr. ELDREDGE. That was while the trial was going on. It was contrary to their law to deposit them where he could have access to them. Before the trial he should have had copies of these papers delivered to him.

Now, when this agent of the government was carrying on a correspondence with the agents of the Haytien Government, certainly everything that transpired between them is evidence. As to how much Mr. Whidden can remember, and how fully and carefully he can state, will be seen in the answers which he makes.

Mr. STANTON. I understand the witness to say that he made this representation to the Secretary of State of Hayti, that these papers were refused Pelletier, and that it was not denied, but virtually admitted.

The WITNESS. Let me say in connection with that, that all this matter of the rescript of the trial was brought before me at that time; I looked it over and examined it.

Mr. ELDREDGE. By whom was it brought to you?

A. It was shown to me by one of the secretaries.

Q. One of the Secretaries of Hayti?

A. Yes, sir; they did not deny to me the opportunity and facility of examining into the law of the matter, so that I could know whether they were proceeding upon any law or not; they did not deny to me that chance; I availed myself of it and they assisted me.

Mr. STANTON. State, if you please, and as near as you can, what the admissions were in this matter made by the authori-

ties of the Haytien Government, the Secretary of State and other officers, and which you supposed justified the statements made in your several letters.

A. I never wrote anything in a despatch but what I thought I could properly write from the knowledge I had obtained.

The ARBITRATOR. Do not understand me as intimating that you made any statement which you did not honestly believe.

The WITNESS. I considered myself in a position where I was obliged to make the examination; it was my duty; I was only doing a duty, and I prosecuted this matter as faithfully as it was possible for me to do, and came to these conclusions and wrote these despatches.

Q. Can you remember any statement or admission made by these officers of the Haytien Government, the Secretary of State and others, at any time bearing upon these questions? If so, please state them.

A. Now, Mr. Stanton, it is twenty years, I think, and to go back and repeat language is requiring of me a good deal: that is, to repeat the exact language that occurred then; but I want to say this: I can distinctly remember the substance, and distinctly remember my conclusions from the examination of the case, because it was among the first things I did after my arrival there; I was treated well; they didn't deny me any opportunity of making the examination, and I will say that the Haytien people are such that they would not be very likely to volunteer, with their feelings on this subject, to say anything that they were not obliged to say; they are a very careful, cautious people, anticipating a man's wishes and wants before he names them; that is a characteristic of theirs.

Mr. STANTON. State whether your conclusions in these documents were derived mainly, or partly, or to what extent, from the admissions of the Haytien authorities.

A. All my despatches were based on what I learned at the

foreign department, and from their admissions to me; I never wrote anything that I should not in my mind be borne out in.

Q. State, if you know, what the treatment of Pelletier was during his imprisonment.

A. Before I arrived, in September, 1862, I cannot speak of my own knowledge, but I had abundant chances to learn of his treatment from others whom I believed; but if it is improper for me to state that, I will not.

The ARBITRATOR. There is no doubt the treatment was excessively severe.

The WITNESS. I can say from what I learned of the manner of his treatment in prison; it was in secret; he was in close confinement when I arrived there, but from what I learned I immediately made a request—very soon after my arrival—of the Government to send for Pelletier and bring him to Port-au-Prince and deposit him there; they did it, and did it right away; when he was brought there I requested them to send him to the legation so that I could see him; he came there; I can now speak of what I saw; he was in a wretched, miserable condition; his flesh, I saw, had been eaten.

The ARBITRATOR. What?

The WITNESS. Well, perhaps I used a word that I ought not to use; but if I should go on and say everything, perhaps you could scarcely believe it.

The ARBITRATOR. State just what the facts were.

The WITNESS. His flesh appeared to have been eaten by maggots, and it hadn't healed up; there were sores on his body; he was emaciated; he was pallid—ghastly; I took immediate means to have him very soon changed from the prison to the hospital, and I want to say this, here: The government never denied or refused to do what I asked of them; they granted it, and had him removed to the hospital so that I could have physicians to attend to his necessities.

Q. At what time was that?

A. That was as soon as it could be done conveniently after he arrived at Port-au-Prince, to go around by sea.

Q. Was that in 1863?

A. I cannot give you the exact date, but I can give you the fact; perhaps some of these despatches may indicate; he was sent, and he began to improve very soon after he was placed in the hospital and had the physician's care; friends gave him things to eat, and relieved him from this situation by nursing him; they sent him a nurse to take care of him.

The ARBITRATOR. That was done by friends, and not by the Government.

A. I think the physicians were Government physicians.

The ARBITRATOR. But the supplies of delicacies and food were by friends.

A. Yes, sir; they were by friends.

Mr. STANTON. How long did he remain in prison after he came to Port-au-Prince?

A. Some little time.

Q. How long did he remain in the hospital?

A. Until he went away; it may have been several months after he came to Port-au-Prince.

The ARBITRATOR. Is not there a statement of the time he was put in the hospital?

Mr. ELDREDGE. He himself makes it.

The WITNESS. My attention was only called to this subject a day or two ago, and the more I dwell upon it the more I remember; but I should not want to try to be exact as to time; I know the fact that they, at my request, changed him from the prison to the hospital several months after his arrival at Port-au-Prince; I do not wish to say here that the Government did not furnish food and those things, but the niceties and delicacies—all such things—were furnished by friends; and he began, after this, with a nurse to look after him, to improve.

Q. You were not at the prison while he was in prison?

A. I was at the hospital.

Q. But I ask you were you at the prison?

A. I said that we had conferences; it is very fashionable in that country to have conferences; that is, to meet the secretaries face to face and have talks with them; that is very common there; I said that I should like to go and see his condition; "O, yes," was the reply; they were very polite indeed; I told them I would like to have some one to show me the way, and it was done.

Q. To the prison?

A. I do not think I saw him there; it is possible I did, but in this long time I would not want to say certainly.

Q. How was he brought to your office?

A. There were eight or ten soldiers came with him.

Q. Was that when his body was full of sores?

A. It was the first time; I think he was escorted there soon after his arrival from the cape.

Q. What do you know about his escape from the authorities?

A. I cannot speak about that, because I didn't see it; I know this: that General Damier at that time, and for a good while before, had been Secretary of Foreign Relations, and he was a man whom I used to meet both at the United States legation and at the Haytien offices; I had conferences with him about Captain Pelletier, and I can speak now very positively about this; I not only remember this, but I remember what General Damier said to me; I said: "There is no use of you keeping Pelletier in that condition any longer," and he indicated to me that neither he nor the Government wanted him to stay there any longer; and I was at liberty, as I understood it, to so construe his language that it would be a relief to them if he should go.

Q. Please to state whether there was any admission or any statement on the part of the Haytien authorities, or the Secretary of State, which involved the admission of Captain Pel-

letier's innocence, and their disposition to let him go because he was innocent.

A. They are too careful a people to say that in so many words, but there was this: I gathered from him that their case under the law was such that they did not desire to have Captain Pelletier in their charge any longer; they seemed to wish to get rid of him some way; I had brought the law up to General Damier's consideration several times, and he never disputed me; I mean the law as it then existed in Hayti on this subject.

Q. What was that?

A. That they had no right to arrest or try Captain Pelletier, and then I brought this to their knowledge in a conversation that showed if there was a law, and they could have arrested him, that there was no evidence, if they had permitted Captain Pelletier's papers to be read in Court, to show that there was any guilt or that their charges were true; I brought that to their attention.

Q. Did they admit it?

A. Well, if you had experienced and seen what I did there you would say that the Haytien people would shrug up their shoulders, and say but little on that point.

Q. They did not deny it?

A. No, sir.

Mr. de Chambrun. We object to this. The Secretary of State cannot pass judgment upon the proceedings of the courts.

The Arbitrator. But let the examination go on.

Mr. Eldredge. When you said that there was not any evidence of guilt, or that there would be no cause to claim his guilt if his papers were there, or if he had use of his ship's papers, what was the reply?

A. Well, from the nature of these people they would not be likely to make very much of a reply.

Q. State what they did reply, if anything.

A. They didn't contend with me that there was; and one reason why they seemed to be willing that Captain Pelletier should leave was that they didn't seem to have faith in their trial, and that they had him arrested where there was no law for it, and had him tried where there was no law for such trial; and then I brought it to them that there was no evidence to sustain the charges, and I told them that if the ship's papers had been produced, that the voyage would have been shown to be legitimate from beginning to end, and then I called their attention to the fact; this was my examination of the whole case, to the effect that there was nothing on board to show that the vessel had any pretension to be a pirate, and it would have been the height of weakness and nonsense for anybody engaged in that business to undertake it in such a vessel.

Q. When you stated that these papers were not produced, and if so there would have been no evidence of guilt, did he make any reply to that or assert that his papers were produced?

A. He did not; I persisted in bringing the case before them, and they didn't contend with me when the law was brought before them that the law embraced such a case.

Mr. Stanton. What do you know of the manner of conducting criminal trials in Hayti?

Mr. Boutwell. We must object to that question.

The Witness. I should rather not be asked that question, because I could not give you a proper answer; it is all contained in this book.

The Arbitrator. I think that is a question for an expert.

Mr. Eldredge. Are you a lawyer by profession?

A. Yes, sir.

Q. How long have you been a lawyer?

A. Over thirty years.

The ARBITRATOR. The question is one of acquaintance with the Haytien law.

Mr. STANTON. Have you any acquaintance with the manner of conducting those trials in Hayti?

A. I should rather not be called upon to state about that, because my acquaintance is somewhat limited in their trials; I have been present in their courts, but not enough to speak very much about it; there is this I learned, and I learned it from them, and that is that they use *ex parte* evidence; that is, depositions taken in writing without the other party being present; the prosecuting attorney had a great deal of power in managing cases in court.

Q. What do you know of the relations of Mr. Hubbard to that Government?

The ARBITRATOR. Mr. Hubbard was his predecessor.

Mr. STANTON. No, sir.

The WITNESS. I was the first diplomatic representative; Mr. Hubbard was a commercial agent at Cape Haytien.

Mr. STANTON. That was before the Haytien Government had been recognized by ours. It was by the treaty made by Mr. Whidden that the recognition took place. You can state, Mr. Whidden, about that treaty.

A. I negotiated that treaty; I represented the United States, and General Boyer Bosilais was the other party, who represented Hayti.

Q. That is the treaty recognizing the Haytien Government?

A. Yes, sir; that was made while I was there.

Q. Do you remember the date of it?

A. I cannot give you the date; it was in 1864; we were some time in drawing it up; it embraced everything between nations having intercourse and dealing together so near as Hayti and the United States, and really there is a good deal of trade between the two countries.

Q. What do you know of the disposition of the people of Hayti towards the people of the United States prior to that treaty?

A. I think it was not favorable before my arrival; but I think it grew more favorable to the United States after their recognition by this Government; and after the extinction of slavery here, there was a very great change in the feeling of that people, and more particularly the Government, and the trade between the two nations was on the increase after the administration of President Geffrard commenced.

Q. State what you know of Mr. Hubbard's relations with that Government.

A. Before my arrival there Mr. Hubbard resided at the Cape, called so by way of eminence; it is on the north side of the island, and is called Cape Haytien; he was the commercial agent there, and Mr. Hubbard and General Dupuy were somewhat connected; Mr. Hubbard married a daughter of General Dupuy, Secretary of Foreign Relations, and he was a marine trader there; that is, Hubbard was; Arthur Folsom was the commercial agent at Cape Haytien when I arrived there; he is one of the first men that wrote to me on the subject of Pelletier.

Q. State whether you know of Mr. Hubbard's commercial relations with that Government, by which he derived important favors in his business.

A. I cannot speak from personal knowledge.

The Arbitrator. What is the object of this examination? I will be glad if you will inform me.

Mr. Stanton. It is irregular, I acknowledge, but I propose to attack the statements of Mr. Hubbard and to show that he is partial.

Q. What do you know on that subject?

A. I know Mr. Hubbard; I have not seen him, however, since 1865; he is a man of intelligence, an adroit man, and I know from him and from others that he had business relations

not only with the Government, but that he was a merchant in the city of Port-au-Prince while I was there; he was a trader in provisions, and General Dupuy and he were very intimate: he married General Dupuy's daughter.

Q. Was he a white man or a colored man?

A. He is a white man, but his wife was a mulatto.

Mr. STANTON. State whether he was not, in fact, virtually or actually a citizen of Hayti.

Mr. BOUTWELL. That is a question of opinion.

The ARBITRATOR. That is rather loose; he was a long resident there undoubtedly, and was connected by marriage with an officer of the Government, and was in business there, which is not uncommon with our consuls; however, you have shown that there was such a connection that might lead to the inference that he felt very friendly, at least, to the Government of Hayti.

Mr. ELDREDGE. How long ago was he married?

A. I think he was married while I was there.

Q. What year?

A. I cannot give you the year, but there is this about it: Since I have been asked the question I remember about the marriage, because it caused a good deal of talk, particularly among the American part of the population there, that Mr. Hubbard was going to be married; he was engaged some time before he saw the lady.

Mr. DE CHAMBRUN. We object to all this; the marriage took place after these transactions.

The ARBITRATOR. He was not married until after the trial, but he was engaged some time before; the witness states that, and it is very probable.

Mr. ELDREDGE. Do you know, or did you know, a man named Picault?

A. No, sir; not personally.

Q. Did you ever see him?

A. I do not know that I ever did.

Q. Do you know where he is now?

A. No, sir; I do not.

Q. Do you know Thibodeaux?

A. There were two affidavits taken before me: the affidavits of John Henry Brown and Thomas Collar, but Thibodeaux's affidavit was not taken before me.

Q. Then you don't know that you ever saw him?

A. No, sir; I used to hear his name very often.

Q. Who was Henry Conard?

A. He acted as commercial agent at Port-au-Prince before my arrival and after the death of Mr. Webb.

Q. Do you know where John Henry Brown is now?

A. No, sir; I do not.

Q. Have you any information about him?

A. No, sir; I will say that I was absent from the country two months on account of being taken down with the yellow fever, and being obliged to leave; I presume that the affidavit of Thibodeaux was taken before Conard during my absence.

The Arbitrator. You mean the affidavit of Thibodeaux, taken on the 11th of June, 1868?

Mr. Cason. Those are the figures, 1868, but they must be wrong.

Mr. Eldredge. Did you ever have any conversation with any officer of the Haytien Government with reference to the imprisonment of Pelletier's counsel?

A. I talked over everything that appeared in their rescript.

Q. Did they make any excuse or explanation of why they were imprisoned?

A. No, sir; they were not inclined to talk about that when they came to it.

Q. Whom did you talk to about it?

A. I think with Dupuy and Damier.

Q. Did either of them, when you stated the fact in your consultation, deny the fact that his counsel was imprisoned?

A. O, no; O, no; it was all open.

Q. Do you know Mr. Pradine?

A. I have seen Mr. Pradine, I think, but I cannot speak of him as having much acquaintance with him; it was a great while ago, but I can say that I knew him by reputation very well; he was a good lawyer; he was a man who was very well educated in the law.

Q. Have you heard whether he is dead?

A. I do not know.

Cross-examined by the Marquis DE CHAMBRUN:

Q. You state that facilities were given you to investigate this case and see the proceedings; will you state what facilities were given you in fact?

A. They never denied or refused to let me ascertain anything that I wanted to know, and I think they sent me copies of the proceedings—some in writing and some printed copies; I have, I think, in my room a printed paper which they furnished me, which is not really an indictment, but I should rather call it a rescript of the proceedings.

Q. Did you understand the French language in 1862?

A. I used to read it and speak it some.

Q. What papers were shown you in connection with those proceedings that you remember?

A. Now, I will tell you just all.

Q. Give me your best recollection.

A. That is what I will do, and all I can do; when I wanted to learn a fact I used to ask the secretary to let me see certain proceedings, and he used to send me printed copies and copies written out, and I could read French and speak it some; I used to get these and look them over, and after looking them over I would have conversations with him on the subject at his office and at the legation; we were quite familiar, and he used to come in occasionally.

Q. I think I remember that you spoke French very well, because when I could not speak English you spoke French to me; I saw you at Mr. Sumner's, and you spoke to me in French.

A. That was in 1862.

Q. And later I saw you.

A. Yes, sir.

Q. Give me your best recollection about the papers that were communicated to you about this trial.

A. I cannot tell you much more than what I have said; when I wanted to learn any fact I used to ask the secretary to send me copies of the proceedings, and he sometimes sent me, if he had them, French copies; if not, he would have some of his clerks write them out.

Q. Will you allow me to help you a little, in asking you whether you saw certain papers? I suppose you saw the papers I hold in my hand, but I do not want to identify them in this way; I want to ask you, first, whether you have seen the declaration produced by A. Baina, or made by Baina, and filed as paper No. 1, in the statement of facts in this case.

A. I presume I did, but I cannot say; I saw a great many papers then.

Q. Your recollection would be, then, rather that you saw that paper; I want to get as near the truth as possible?

Mr. Eldredge. The fair way would be to show him the paper.

The Arbitrator. Perhaps the original is not here.

Mr. de Chambrun. Precisely.

Q. Do you remember whether you saw a statement signed by William Smith and the others, better known as the five seamen?

A. On board the barque "William?"

Q. Yes, sir.

A. I have learned all about what the seamen said, and how they were procured to do and say what they did there.

Q. Did you see their declaration?

A. I think it was read to me, but I will not be sure.

Q. Did you inquire whether the paper was signed by these men; did you see it?

A. I am not going to swear to anything so loose, but if you ask me whether that was an original paper, perhaps I can tell you.

Q. What is your best recollection?

A. All this is hypothesis; it is asking me what might be or what might not be.

The ARBITRATOR. Ask him whether he saw a paper purporting to be signed by the five seamen.

A. I do not think I saw the original paper, but I presume that a copy may have been shown me; but I learned all about that paper.

The ARBITRATOR. That is another question.

Mr. STANTON. I think the witness ought to be allowed to make his statement.

The ARBITRATOR. You can ask him afterwards, but that is not the question here.

Mr. DE CHAMBRUN. Have you seen a declaration made by one Carlo Tescomer, who was the ship's carpenter—what purports to have been a declaration?

A. Do you hold an original paper in your hand?

Q. I ask you a question, and I do not wish you to answer by interrogating me; I ask you your best recollection about a declaration made by the ship's carpenter of the barque "William."

A. I cannot tell you any more than I have told you about it.

Q. See whether you cannot recollect.

A. I will tell you any thing I remember.

Q. Do you remember anything about that paper; was it communicated to you, or a copy communicated to you?

A. I presume it was, but I cannot say; when I asked them for copies of proceedings I supposed that they furnished me with everything; I suppose that they would not pretend to me that they were furnishing me copies without furnishing me the whole.

Q. I have called your attention to this paper, and I want to know what you recollect about it; it was concerning certain repairs and changes made on board the barque "William" by that carpenter.

A. Those men were procured to sign the papers, and that was not denied.

Q. That is not my question; my question is whether you remember having seen the original, or a copy of an original declaration, made by the ship's carpenter, or a man who claimed to have stated that he was ship carpenter on board the bark "William," stating that he made some alterations in the ship.

A. I do not think I saw any original paper.

Q. Did you see a copy?

A. I cannot tell you.

Q. Give us your best recollection about it.

The Arbitrator. He has said that the papers—all the papers he asked for—were furnished him, and he says that he asked for everything; he undertook to make a thorough examination, and these papers, or copies, were shown to him.

Q. Are you satisfied that you saw all the preliminary proceedings prior to the trial?

A. You must ask that of those who furnished the copies.

Q. Since they offered you all facilities to see the papers, are you satisfied that the papers were placed in your hands?

A. I think they furnished me with all there was; I trusted that they would do that, as men of honor.

Mr. Stanton. Perhaps, if you will state the substance of the declaration, he may recollect it.

The WITNESS. That is what he ought to do; I do not know what he wants.

Q. Was a certain paper, purporting to have been found on board the barque "William," which I am going to translate as follows, was this paper shown you? It is a list of instructions given to the captain of the barque "Lillie," bound for a place on the African coast, and for his return to a point on the coast of the Island of Cuba:

"The captain of the barque shall take care to deliver his clearance papers and go to the coast of Africa, with a view to trade there, and to have his papers in good form, his muster roll as well as his clearance. On arriving on the coast he must be warned that he will be visited by some British man-of-war. The officers use a great many tricks to deceive the American captains. These latter need patience and good temper, and their answer must be that they go through Rio or some other point to purchase gum, cocoa, oil, or dye woods, and owing to their nationality the Englishmen will not bother them further. At the opening of the mouth, or under the wind, at a place named Lowande, he shall be recognized by the exhibition of the paper hereto attached. A canoe shall come with an agent, and this latter will give orders to the captain, showing him the place where he must pilot his landing. The captain must obey these orders. The ship being unloaded, the captain shall obey the orders that shall be communicated to him by my representatives until he takes on board the cargo, and afterwards he will comply punctually with the instructions that are enclosed in the annexed envelope, recommending to him the utmost secrecy in regard to those instructions, on which depends the success or misfortune of the expedition, which cost so much money and which cost so much labor. These instructions must be delivered, sealed, to the captain, who will not be acquainted with them except on the high seas."

Q. This paper is marked as "Exhibit No. 13;" have you any recollection of having seen a copy of that?

A. No, sir; it was an extraordinary paper.

Mr. DE CHAMBRUN. It is in the record of the case.

The ARBITRATOR. Is that paper signed ?

Mr. DE CHAMBRUN. It is part of the record, and will be produced.

The ARBITRATOR. But is there any signature to it ?

Mr. DE CHAMBRUN. Not as it is in my hands.

Q. Have you seen the ship's papers about which so much was said ?

A. They were in the hands of the Government.

Q. Who told you they were in the hands of the Government ?

A. I learned that fact, and I brought it to the attention of the Secretary, and it was not denied.

Q. From whom did you get that information that the ship's papers were in the hands of the Government ?

A. I got that from—I think I saw it in the proceedings.

Q. Are you sure you didn't get it from Captain Pelletier or from Collar ?

A. O, I heard all about this case before I saw Pelletier; there is what may be called an indictment, although not according to our forms, but a rescript of the case which was furnished me by one of the secretaries, Dupuy or Damier.

Mr. STANTON. You mean an *acte d'accusation ?*

The WITNESS. That and other papers were furnished me by the Government; it was known that they were called for on the trial and they were not produced, and that the Court did not have those papers before it; as to my conclusions from my examination, one of my conclusions was that Cortez' testimony could not be true; I came to that conclusion in examining the case.

Q. I am speaking now of the ship's papers; you stated that the ship's papers, in your judgment, should have shown the innocence of the voyage of Captain Pelletier; where did you derive that impression, if you didn't see the ship's papers ?

The ARBITRATOR. Does he say he didn't see the ship's papers?

The WITNESS. I did not see the ship's papers; they furnished me copies of certain papers.

The ARBITRATOR. Did you see a copy of the ship's papers?

A. No, sir.

Mr. DE CHAMBRUN. So you could not form a conclusion about a paper which you did not see?

The WITNESS. The Government had the papers.

The ARBITRATOR. But they submitted everything to you that you asked for?

The WITNESS. They submitted to me the trial.

The ARBITRATOR. That is not the question; you said that when you made an examination of the case, after the trial was over, that the Government furnished you with all the papers you asked for, or with copies of them; now Mr. de Chambrun asks you whether you had seen copies of the ship's papers.

A. I asked for the ship's papers; I asked for the substance of them, and I do not think they were ever handed to me; I asked this, if the ship's papers were used on the trial, and I was informed that they were not.

Mr. BOUTWELL. From whom did that information come?

A. From the Secretary of State.

The ARBITRATOR. Did he say they were not used on the trial?

A. Yes, sir.

Mr. ELDREDGE. What was his name?

A. It was one of the secretaries, Dupuy or Damier.

Q. You do not know which made the statement?

A. I don't remember which.

Mr. DE CHAMBRUN. Do you know that the ship's papers were in the hands of the Government; are you prepared to swear that you know that fact?

A. They admitted to me that they took charge of the

"William;" that they went on board and took charge of everything—everything, papers and all.

Q. Therefore you infer that they took charge of the ship's papers because they took charge of the ship?

A. Yes, sir; and all that was on board.

Q. So it is only an inference about the ship's papers; how did you arrive at the conclusion that the ship's papers were in the hands of the Government?

A. They never denied it.

The ARBITRATOR. You have the facts as he states them; you can say it was an inference, if it was such.

Q. In your letter on pages 6 and 7——

The WITNESS. Let me say this: My inference was the stronger as against them, because they did not permit those papers to come on trial; if there was nothing in those papers against them, I thought they certainly would have furnished them; the fact of their suppressing them and keeping them in their own hands was an argument to me that there was something wrong on their part; I learned a good many things on this subject before I went to the Secretary.

The ARBITRATOR. So you have stated before once or twice.

Q. Will you please take your letter printed on pages 6 and 7 of Executive document No. 260, beginning at the 18th line: "Soon after the vessel cleared from here, when near Fort Liberté, on the coast of Hayti, was overtaken by a storm, where she put in in distress." Where did you get your information about that fact?

A. I got it from a great many sources.

Q. Can you state, or name, some authority on which you rested this statement?

A. If I could recollect the name of every one who told me about this, it would take an hour; there were more than fifty people in Port-au-Prince that spoke about it; it made a great excitement there.

Q. Do you remember when you heard for the first time of the ship "William" having gone to Grand Inagua?

A. It is probable that I hadn't been there two days before knowledge of this case began to pour in.

Q. I ask you a specific question and you answer in a general way; of course, I do not want to worry or annoy you, but I want to get just as much light as I can on this subject; I would like to know, if possible, where you heard, for the first time, that the bark William went to Grand Inagua?

A. You are so indefinite that I cannot be definite.

Q. I will put the question in another way; how can you state that in the voyage from Port-au-Prince to Fort Liberté—

The ARBITRATOR. He didn't state that. He said soon after the vessel cleared from Port-au-Prince. He did not state that the vessel went to Grand Inagua.

Mr. DE CHAMBRUN. I wish to know whether, outside of this memorial, he heard that the vessel went to Grand Inagua. (To the witness.) Have you ever heard that the ship went to Grand Inagua?

A. In looking over this book I have seen about it.

Q. At that time did you hear of it?

A. I probably heard about those things soon after my arrival there; it was a matter that made a great excitement.

Q. But I ask you whether you are prepared to say positively that you heard of the ship going to Grand Inagua when you investigated the case?

A. You seem to raise a question for me to answer on a very small thing.

Q. That is for me to judge.

The ARBITRATOR. Answer the question.

The WITNESS. I will answer as well as I can remember.

The ARBITRATOR. If you cannot remember, say so.

The WITNESS. I cannot remember anything about this.

Q. What led you to write to the Government that the ship was overtaken by a storm at Fort Liberté?

A. Because that information was brought to me.

Q. By whom?

A. I cannot tell you; it was probably by a good many; I will say that I think, perhaps, Mr. Folsom, who was commercial agent at the Cape, informed me; I think likely that Mr. Conard gave me information.

The ARBITRATOR. Do you say that you can tell who gave you the information?

A. No, sir.

The ARBITRATOR. Then, that is an answer to the question.

Q. When did you see the barque "William," if you ever saw her?

A. I never saw the barque by that name.

Q. What do you mean by that?

A. All this happened before my arrival; the barque was sold and went into other hands, as I learned, but whether I ever saw it I cannot say; her name was changed after she was sold, and she was called the "General Lamane," or some such name.

Q. When you state, as you do on page 7, that "Captain Pelletier is a citizen of the United States, and his vessel was owned in the United States; when sold it was purchased by a citizen of Hayti at a price very much less than its value—a trifle," all that is mere information, and is not of your own knowledge?

The ARBITRATOR. That is very clear; it is hardly necessary to ask it; it is so from the very nature of the case.

Q. Did you, in your writing to the Government of Hayti, make, on behalf of Pelletier, complaint of any money or bullion which was found on board the ship?

A. I do not think I went into that, because there were other things I was upon; I was not going into the private part of this affair.

Q. When were you informed yourself of this matter relating to the property on board the ship when seized?

The ARBITRATOR. He has not given any statement that he knew what was on board the ship; he has not gone into details.

Q. Have you known any of the details of what was taken on board the ship?

A. No, sir; I cannot give you that; my duties at that time were of a different character.

Q. Have you ever seen the inventory, if any was made by the Haytien Government when they seized this ship?

A. No, sir; I do not think I have.

Q. Was it not a part of the case when the papers were communicated to you?

A. I did not address myself to that part of the business: my business was public with the Government of the United States to bring this matter to their attention.

Q. As a fact, Mr. Whidden, did you not receive from the Haytien Government all the facilities you wished for in the investigation of that case?

A. I have said a good many times that they gave me such facilities as I thought were necessary for me to lay the case before the Government of the United States.

Mr. ELDREDGE. Who of the Haytien authorities was it who told you they had taken possession of the "William" and all on board?

A. I think I learned that from both secretaries; let me say this: I do not wish to be misunderstood in this thing; I was trying to do a duty which I thought was very important, and I wanted to bring the case, with all the details necessary for the Government at Washington to have and to know; I went into this search as carefully as I could to get as much of the detail as I could for them to have.

Q. You think you learned that fact from both of the Haytien Secretaries?

A. That is my idea; I distinguish between what was public and what was private.

The ARBITRATOR. So you have stated three or four times.

Mr. ELDREDGE. You said something in answer to Mr. de Chambrun about statements signed by the men of the "William"—the five seamen.

A. I learned that certain seamen on board had given evidence in the case.

Mr. STANTON. You said you learned how that had been procured.

A. Yes, sir.

Mr. ELDREDGE. Did you talk that matter over with the Secretaries?

A. I did; I considered it a very important public thing.

The ARBITRATOR. Never mind what you considered; just answer the question.

Q. Did you tell the Secretaries how you understood these papers were procured to be signed?

A. I did.

Q. What did you tell them?

A. It is a great while ago, and I can only remember that I brought that information to them, that I learned that fact.

Q. Did you tell them how they were procured to be signed?

A. What I understood.

Q. What did you tell them you understood?

A. That these men had sworn to statements that were false.

Q. Did you tell them how they came to do it?

A. I would not want to be more particular than that; it was a good while ago, and I want to state just what I am very clear about.

Q. You said you told them how they were procured to be signed.

A. Yes, sir.

Q. What did you tell them?

A. I told them that I understood inducements were offered to these men?

Q. Did you state the inducement?

A. I don't know whether I did or not, but I gave them to understand that I understood that this statement which they had sworn to was false.

Mr. STANTON. Did they admit that to be true?

A. Well, it stopped there, I think; they didn't argue the matter with me.

Q. Was it said that these seamen were bribed?

Mr. DE CHAMBRUN. We certainly object to that form of examination.

The ARBITRATOR. That question is too broad.

Mr. STANTON. I ask him whether he indicated to them the information that they had been bribed.

The ARBITRATOR. The question as now put is somewhat varied.

The WITNESS. I think I did.

Q. What was the reply?

A. They were not inclined to discuss that question.

Q. Did they deny it?

A. Nothing particular was said.

Mr. ELDREDGE. Were you personally acquainted with President Geffrard?

A. Yes, sir.

Q. Did you have communications with him about this case?

A. My communications were with the Secretaries of Foreign Relations.

Q. Did you have any communication with the President or hear any conversation between him and any one else regarding this case?

A. I cannot recall that I did.

Q. Do you know of any woman applying to him with reference to Captain Pelletier?

A. I heard outside about it.

Q. Were you present with him when his sister, or any other woman, was present?

A. No, sir; but I heard about it.

Q. What, if anything, did you talk over with the President himself in regard to Pelletier?

The ARBITRATOR. He just said he did not have anything to say to the President.

A. I do not think I ever had any particular conversation with the President on this subject; I might have named it.

Q. You do not remember whether you did or not?

A. I should likely have named it, because I was pressing the matter; but it is 21 years ago.

The ARBITRATOR. The next session of the Commission in the Pelletier case will be held on the 25th instant, unless Counsel on both sides shall agree upon an earlier time and communicate the same to me. My purpose is to take up the case of Lazare in the meanwhile.

The Commission was then adjourned to Thursday, January 15th, 1885, at 10 o'clock A. M., for the purpose of taking up the case of A. H. Lazare *vs.* The Republic of Hayti.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *January* 15*th*, 1885.

Pursuant to adjournment, the Commission met at 10 o'clock A. M.

Present:

The ARBITRATOR, Honorable WILLIAM F. STRONG; the SOLICITOR GENERAL; and

Messrs. JACKSON, MERRIMAN, CASON, ELDREDGE, on behalf of the claimant; and

Messrs. DE CHAMBRUN and BOUTWELL on behalf of the Republic of Hayti.

Mr. BOUTWELL. If your Honor please, we offer the following motion:

In the matter of the claim of Antonio Pelletier.

And now come the Counsel for the Republic of Hayti and request his Honor, the Arbitrator, to ask the Secretary of State to procure from the Department of the Navy a certified copy of any report, and of all other papers on the files of the Department of the Navy relating to the capture of the barque

"Ardennes," in the year 1859, by the United States ship of war the "Marion."

(Signed) GEORGE S. BOUTWELL,
CHARLES A. DE CHAMBRUN,
Counsel for the Republic of Hayti.

The ARBITRATOR, after considering the motion, endorsed it as follows: "I make the foregoing request."

Mr. CASON. If your Honor please, Mr. Whidden, in his examination the other day, referred to a paper which we would probably call an indictment in this country, or an information. He did not have it with him at the time, and I desire now to have it introduced.

Mr. BOUTWELL. Is it an original or certified copy?

Mr. CASON. It is a certified copy which is furnished to Mr. Whidden.

MR. BENJAMIN F. WHIDDEN,

a witness on behalf of the claimant, then resumed his testimony as follows:

Examined by Mr. CASON:

Question. (Handing witness a paper headed "*Acte d'Accusation.*") State how you procured this paper.

Answer. I desired to get all the information I could——

The ARBITRATOR. Answer the question; how did you get this paper?

A. It was handed me by the secretary of foreign relations of the Haytien Government.

The ARBITRATOR. Which secretary?

A. I think it was Dupuy.

Mr. CASON. When?

A. Soon after I arrived.

Mr. CASON. We introduce this paper in evidence.

Liberté. Egalité.

REPUBLIQUE D'HAÏTI.

ACTE D'ACCUSATION.

J. J. LILAVOIS,

Substitut du Commissaire du Gouvernement près le Tribunal Civil du ressort du Port-au-Prince,

Expose que, par ordonnance de la chambre du conseil, rendue le vingt-cinq du mois de juillet de la présente année, il a été déclaré qu'il y avait lieu à suivre contre les nommés :

1°. Antonio PELLETIER, âgé de quarante-trois ans, capitaine au long cours, négociant, né à Fontainebleau (France), demeurant et domicilié à New-York ;

2°. Thomas COLLAR, âgé de trente-cinq ans, marin de profession, second à bord de la barque *William*, né à Epping (Angleterre), naturalisé américain, demeurant et domicilié à New-York ;

3°. John Henri BROWN, âgé de vingt-neuf ans, marin de profession, né à Quimper (France), naturalisé américain, domicilié à Boston ;

4°. Urbain CASTAING, âgé de vingt-sept ans, maître de langues de profession, né à Plaisance (France), domicilié à Mobile (Etats-Unis) ;

5°. Picault-Louis-Jean-Baptiste BENJAMIN, âgé de quarante-cinq ans, commis de profession, né à Paris, demeurant au Port-au-Prince ;

6°. Millet-Pierre HENRI, âgé de trente ans, mécanicien de profession, né à Salies (France), demeurant à Bordeaux ;

7°. Alexandre THIBODEAU, âgé de vingt ans, marin de profession, né et demeurant à Bordeaux ;

8°. Cartier FRANÇOIS, âgé de dix-neuf ans, marin de profession, né à Cettes (France), y domicilié ;

9°. Louis MAURICE, âgé de trente-trois ans, charpentier de marine, né à Lorient (France), y demeurant ;

10°. Rogard-Yeves GUILLOUX, âgé de vingt-trois ans, cuisinier et charcutier de profession, né à Tredarzec (France), y domicilié;

11°. Jean-Alexandre HERAULT, âgé de trente-trois ans, cuisinier et tailleur de pierre de profession, né à Jeanton (France), domicilié à Paris;

12°. Louis LEGALLIN, âgé de vingt-huit ans, marin de profession, né à Belle-Ile (France), y domicilié, naturalisé américain,

Accusés, *les quatre premiers*, de tentative de piraterie et de traite sur les côtes d'Haïti; et de vol à main armée, avec violence et menace d'assassinat, commis au Grand Caïman, au préjudice du sieur Juan COTÈS; *et les huit derniers*, de tentative de piraterie et de traite sur les côtes d'Haïti, crimes prévus et punis par les articles 326, 329 et 331 du Code pénal, et les articles 2, 4, 5, 8 et 11 du titre 1er. et les articles 1, 3 et 5 du titre 2e. de la loi du 8 avril 1815, sur la piraterie; et les susdits accusés ont été renvoyés pardevant le tribunal criminel pour y être jugés selon la loi;

Déclare le ministère public, qu'en exécution de l'ordonnance susdite, ayant mûrement examiné les pièces de la procédure, il en est résulté les faits suivants:

Dans le courant du mois d'octobre de l'année passée, le capitaine Antonio PELLETIER, qui avait été déjà signalé au monde entier, comme un ancien pirate et négrier, d'après les journaux d'Europe et des Etats-Unis, fit l'acquisition du navire le William, qui avait été capturé avec plusieurs centaines d'hommes enlevés d'Afrique, dans le but de continuer cet infâme trafic de chair humaine.

Pour mieux cacher le but de son expédition; qui était de faire la traite et la piraterie dans les mers et sur les côtes d'Afrique, l'accusé Pelletier s'embarqua de Mobile avec une petite quantité de bois de construction pour le port de Carthagène, où il se rendit avec un équipage assez nombreux qu'il avait recruté à la Nouvelle-Orléans, par des promesses fallacieuses, et auquel il avait caché son véritable but.

Quand le navire arriva à Carthagène, le maître du bord nommé Mayer, à qui l'accusé Pelletier avait confié le but de son voyage, en fit part à quelques-uns de ses camarades ; leur fit savoir que l'intention bien arrêtée de Pelletier était de faire la traite et la piraterie sur les côtes d'Afrique. L'accusé Pelletier fut tellement courroucé contre Mayer qu'il le maltraita cruellement et lui mit des menottes : cependant le maître Mayer, malgré ses fers, trouva le moyen de se sauver du bord, pendant la nuit, de se rendre à bord d'un navire de guerre anglais, qui se trouvait alors dans le port de Carthagène, et de dénoncer le capitaine Pelletier et le but criminel de son voyage.

L'accusé Pelletier, ayant vendu à Carthagène une partie de sa cargaison, et ayant l'intention de changer de direction, à cause, sans doute, de la dénonciation de Mayer, prit à frêt une quantité de marchandises consistant en tabac, savon, maïs etc., appartenant au sieur Antonio Cano, vice-consul de S. M. B. et négociant à Carthagène. Son commis Mr. Juan Cotès, à qui ces marchandises avaient été confiées, s'embarqua donc sur le William avec son épouse, son enfant et un domestique pour Rio-Hacha : il y avait aussi à bord trois autres personnes de Carthagène : Césarin César, que l'accusé Pelletier avait engagé comme pilote, un jeune homme nommé Juan Guttierrez et le sieur Baïna.

C'est dans la traversée de Carthagène à Rio-Hacha, où le capitaine Pelletier ne voulut pas se rendre, afin de fuir le *Gladiator* ce navire de guerre anglais, à Carthagène, dont il est parlé plus haut, que cet accusé commença à exécuter ses infâmes projets. Pour terroriser Mr. Cotès, il prétexta que son grand mât était brisé ; que n'étant pas certain du temps qu'il aurait à passer en mer, il allait mettre tout le monde à la ration : en effet, bien qu'il eut une grande quantité de pipes d'eau, et des provisions pour plus de six mois, il priva d'eau et de nourriture Mr. Cotès et sa famille. Il réussit, par ce stratagème à effrayer tellement ce monsieur, qu'après lui avoir refusé de relâcher à la Jamaïque, cet homme s'engagea à payer

une forte somme au capitaine Pelletier, si celui-ci consentait à le débarquer sur la terre la plus proche, qui était le Grand Caïman.

Arrivé au Grand Caïman, il le débarqua avec sa famille et le porta, après avoir menacé de l'assassiner, à tout légaliser par signature et à lui donner, par acte, toutes les marchandises qui avaient été confiées à ce monsieur, par le sieur Antonio Cano, s'élevant à plus de trois mille dollars : tels sont les actes de déprédation exercés par l'accusé Pelletier sur le sieur Cotès, actes qui réunissent le double caractère de piraterie et de vol à main armée, avec violence et menace d'assassinat.

Parti du Grand Caïman, le capitaine Pelletier toucha à Cienfuegos de Cube, dans l'intention, sans doute, de faire un commerce illicite en vendant Césarin César et Juan-Guttierez : mais, arrivé dans ce port, il fut découvert que le William était un négrier, car l'accusé ayant envoyé son canot à terre, avec le second du bord et trois hommes de l'équipage, ils furent arrêtés. Et Mr. Baïna raconte que ce n'est qu'à force d'argent que le capitaine, déjà connu comme pirate, réussit à sortir de Cienfuegos et à reprendre ses matelots.

Arrivé au Port-au-Prince après avoir laissé Cube, le capitaine Pelletier ne déclare pas être parti de Carthagène pour Rio-Hacha : il dit qu'il venait de la Nouvelle-Orléans avec une cargaison de planches et d'autres marchandises.

Sur la déclaration de Mr. Baïna, à la police générale, cinq des matelots du William ; que le capitaine Pelletier avait fait emprisonner, de crainte qu'ils ne laissassent transpirer ses infâmes projets de traite et de piraterie, furent interrogés par les autorités locales et déclarèrent les menées du capitaine Pelletier, de Carthagène au Grand Caïman, delà à Cienfuegos, et de Cienfuegos ici. C'est sur la déclaration de Baïna et des cinq matelots Carlo Tiscornia, Juan Poux, Antonio Lovos, William Smith, et Pablos Rebautes, que le commissaire du gouvernement, le commandant de la place et d'autres autorités se rendirent à bord du William et constatèrent l'existence d'une quantité de vingt paires de menottes, quatre carabines

de Colt, douze révolvers, deux quarts de poudre, des pipes vides en grande quantité, des provisions en masse, des couvertures de laine en grand nombre, et un faux pont en construction. Cela, joint à la déclaration de Vil Maximilien, citoyen haïtien, à qui le capitaine Pelletier s'était adressé pour avoir cinquante hommes et six femmes qu'il désirait engager, disait-il à Maximilien, pour faire du guano ; les manœuvres du capitaine Pelletier et les moyens d'intimidation qu'il employa pour échapper à nos investigations, se plaignant au consul américain de la conduite des autorités qui avaient visité son bord et qui avaient, disait-il faussement au consul, foulé sous leurs pieds le pavillon américain, tout cela prouve jusqu'à l'évidence que le but du capitaine Pelletier, après avoir échoué en partie dans son vaste plan de traite et de piraterie, était de se dédommager au moyen d'une certaine quantité d'hommes qu'il avait l'intention de nous enlever. S'il a été permis au capitaine Pelletier de partir du Port-au-Prince, après tout cela, ce n'était pas qu'il manquât de preuves pour asseoir sa culpabilité : c'est que le Gouvernement, dans sa sagesse, plutôt que de retenir Pelletier et son navire, avait mieux aimé laisser le coupable à la vigilance des nations philantropiques, dont les navires parcourent les mers pour punir promptement ces sortes de brigands, et à la justice divine qui ne tarda pas à se manifester. Il le laissa partir et envoya notre aviso de guerre le *Geffrard* à la piste du navire négrier. Dans la traversée, l'accusé Pelletier conçut l'idée de capturer le Geffrard : Il fit confectionner des balles et des fusées par l'accusé Henri Millet, ci-devant mécanicien à bord de notre aviso, et qui était préposé à diriger les feux vers la sainte-barbe du Geffrard ; cinq hommes furent envoyés à bord pour explorer le navire, sous le spécieux prétexte de prier le commandant du Geffrard d'arranger les chronomètres du William qui étaient dérangés. Les accusés, bien qu'ils nient tous, à l'exception de Miranda, le seul dénonciateur, que le capitaine Pelletier ait eu l'idée de capturer le Geffrard, ont unanimement déclaré néanmoins que des balles avaient été confectionnées par Henri Millet et qu'une députa-

tion avait été envoyée à bord du navire haïtien par l'accusé Pelletier. L'attitude du commandant Chassaing et de son équipage, la sommation énergique qu'il fit à ces envoyés de descendre immédiatement du bord et la difficulté, pour ne pas dire l'impossibilité, d'exécuter cet audacieux projet, le porta à y renoncer.

Il se vengea, toutefois, en changeant de direction continuellement, pour porter le Geffrard, disait-il à ses matelots, à user son charbon. Quand le Geffrard quitta le navire négrier dans le voisinage du Môle, le capitaine Pelletier louvoya plusieurs jours dans le canal, laissant la route de la Nouvelle-Orléans, pour le port auquel il avait été expédié du Port-au-Prince, commençant à mettre à exécution ses projets de piraterie, dans nos mers. Il avait dit à Miranda le maître d'équipage du William, que, pour se dédommager des 40,000 francs dépensés par lui au Port-au-Prince, il avait besoin de prendre sur nos côtes et sur nos habitations 150 hommes qu'il devait vendre comme esclaves à la Havane; et quand Miranda lui eut objecté que les haïtiens, étant libres et civilisés, il lui serait impossible de les enlever, l'accusé lui répondit: *nous en tuerons quelques-uns et les autres se laisseront bien prendre.* Miranda dépose aussi, que le capitaine Pelletier avait l'intention bien arrêtée de s'emparer de nos caboteurs qu'il trouverait chargés de café et de marchandises. C'est dans ce but qu'il continua à louvoyer si longtemps devant le Môle; qu'il alla à la Grande Inague, delà aux Cayes des Caïques et devant le Cap, d'où il s'enfuit avec précipitation, sous le pavillon français, ayant reconnu le pilote du port.

Le capitaine Pelletier, qui avait manqué dans ses tentatives de piraterie devant le Môle, se dirigea sur la côte Nord-Est de l'Ile, toujours dans le même but. Il arriva au Fort-Liberté et arbora de nouveau le pavillon français. En entrant dans le port, il ordonna à l'équipage de l'appeler JULES LETELLIER; d'appeler le navire le *Guillaume Tell* du Havre, venant de la Havane; de dire qu'il venait d'essuyer des avaries et qu'il avait laissé une partie de sa cargaison au banc d'Argent. Ceci dit,

il ordonna au charpentier de retirer le tableau qui portait le véritable nom du navire.

Cependant les autorités du Fort-Liberté se rendirent à bord : le capitaine, pour mieux les tromper, les reçut avec beaucoup d'affabilité. Il leur dit que son mât, ses chronomètres, son gouvernail étaient dérangés ; qu'il venait du banc d'Argent, où il avait laissé une partie de sa cargaison et qu'il avait besoin d'une cinquantaine d'hommes pour l'aider à l'enlever. Il leur déclara que le navire s'appelait le Guillaume du Havre, venant de la Havane, et qu'il était entré dans le port pour le réparer. Procès-verbal fut dressé ; l'accusé Pelletier le signa de ses mains, *Jules Letellier*.

Pelletier ne se contenta pas de demander 50 hommes ; il projeta un bal à bord dans l'intention de lever l'ancre avec les jeunes filles et les jeunes hommes du Fort-Liberté qu'il y aurait invités. Ses projets étaient aux demandes d'hommes et aux invitations, lorsque Miranda, le maître d'équipage, se sauva pendant la nuit et alla dénoncer le capitaine-pirate aux autorités du Fort-Liberté.

Sommation fut donnée par le général commandant la place à l'accusé Pelletier, de se rendre à terre avec ses papiers. Il s'y refusa obstinément et écrivit avec assez de hardiesse au général de l'endroit, dans le but de l'intimider et trouver le moyen de s'évader.

Cependant, la nuit de la fuite de Miranda et le jour qui la suivit, le capitaine Pelletier fut dans de vives agitations. Il descendit lui-même avec l'accusé Urbain Castaing et quatre hommes armés de poignards et de révolvers, pour se saisir de Miranda mort ou vif, s'il était possible, tant il est vrai, qu'il redoutait son évasion.

L'accusé Pelletier prit la résolution de se sauver pendant la nuit. Il fit tirer 18 coups de révolvers dans la soirée pour intimider, et, vers les deux heures du matin, il leva l'ancre pour s'enfuir à la dérobée. Mais Dieu, qui le voyait quand il fesait massacrer impitoyablement onze malheureuses créatures humaines parmi les 530 nègres qu'il avait volés en Afrique, sous

prétexte que ces hommes voulaient s'insurger ; Dieu qui avait assisté à la scène horrible de Grand-Caïman et à tant d'autres actes d'atrocité et de scélératesse commis par l'accusé Pelletier, ne permit pas que ce grand criminel échappât à la justice du pays, à laquelle il était reservé de châtier ses crimes : trois fois arrêté sur un banc de sable, le William tomba entre les mains des autorités du Fort-Liberté et déchoua aussitôt qu'elles eurent mis les pieds à bord.

L'accusé et les complices furent interrogés au Fort-Liberté, expédiés au Cap et emprisonnés en vertu des ordres du vice-consul français du lieu ; puis remis au gouvernement. Tous les consuls des puissances étrangères représentées en Haïti, justement indignés de la conduite du capitaine Pelletier, ont officiellement déclaré abandonner l'accusé à la juridiction du pays.

Interrogé au Fort-Liberté et au Port-au-Prince, l'accusé Pelletier se retranche dans la dénégation la plus complète. Il nie positivement les faits qui lui sont reprochés à l'endroit de Mr. Cotès au Grand-Caïman. Il prétend qu'une affaire a été faite de bonne foi entre le sieur Cotès et lui ; que leurs transactions ont été légalisées par le consul américain de l'endroit. Mais que peuvent ses dénégations devant la déclaration du consul de S. M. Britannique, qui, sur la plainte du sieur Cotès, raconte les moyens cruels que le capitaine Pelletier employa pour s'emparer des marchandises du sieur Antonio Cano ? mais que peuvent ses dénégations devant la déclaration du sieur Baïna qui est accablante pour lui ? D'ailleurs Mrs. Cotès et Antonio Cano, qui sont dans le pays, depuis quelques jours, sont arrivés expressément pour convaincre Mr. Pelletier des crimes dont il est accusé, à leur préjudice.

L'accusé fait des efforts, aussi, dans les divers interrogatoires qu'il a subis, pour commenter les faux commis par lui au Fort-Liberté, et pour se disculper de sa tentative de traite et de piraterie dans le Nord.

La lettre du consul américain du Cap, adressée au capitaine Pelletier lui-même, suffit à elle seule, pour prouver que l'accusé

s'est conduit, dans le Nord, comme un véritable pirate. C'est, d'ailleurs, ce que le consul lui a positivement déclaré.

Il prétend qu'il a été contrarié par les vents, obligé de louvoyer plusieurs jours et d'aller à la Grande Inague faire de l'eau et du lest.

Les matelots ont déclaré qu'il n'y avait pas de vents contraires ; que le capitaine allait plutôt contre les vents, en deviant de sa route, et qu'il y avait à bord plus d'eau qu'il n'en fallait pour le voyage de la Nouvelle-Orléans.

Il prétend que s'il a changé de pavillon et de nom, et que s'il a donné une fausse dénomination à son navire, c'est parce qu'il craignait d'être maltraité au Fort Liberté, comme il l'avait été au Port-au-Prince : mauvais prétexte, il n'est pas probable que le capitaine Pelletier eut été maltraité sous son véritable nom et son pavillon avec ses papiers du Port-au-Prince pour la Nouvelle-Orléans : et en supposant même qu'il y eût eu du danger pour lui et qu'il eût été nécessaire à l'accusé, pour l'éviter, de changer de nom, de pavillon, et de dénaturer le nom de son navire, il n'eût pas été nécessaire que le capitaine Pelletier aurait faussement déclaré aux autorités du Fort-Liberté, que, revenant du banc d'Argent, où il avait laissé une partie de sa cargaison, il avait besoin de 50 hommes pour l'aider à l'enlever : d'ailleurs, le capitaine Pelletier est forcé d'avouer que, s'il eut été obligé d'exhiber ses papiers aux autorités du Fort-Liberté, après la dénonciation de Miranda et après les sommations qui lui furent faites, *il aurait été un peu embarrassé.* Il est donc évident que son but était d'enlever nos hommes.

L'accusé Pelletier prétend qu'il n'a jamais été capturé sur l'*Ardenne ;* cependant, il avoue qu'il avait commandé ce navire et qu'il avait déjà subi un jugement, (comme accusé de traite,) par suite duquel il a été reconnu *innocent.* Tous ces aveux viennent confirmer ce que les journaux étrangers rapportent des précédents criminels de l'accusé, ou de moins, leur impriment un cachet de vraisemblance frappante ;

Tels sont les faits qui établissent la culpabilité du capitaine

Pelletier et qui ont motivé son renvoi, pardevant le tribunal criminel.

Pour ce qui est des autres accusés embarqués de Mobile, Thomas Collar, Urbain Castaing, et John-Henri Brown, bien qu'il n'y ait rien au procès qui prouve qu'ils aient matériellement pris part aux crimes commis par l'accusé Pelletier, au Grand Caïman, à l'endroit de Mr. Cotès, mais cependant ayant déclaré dans leurs interrogatoires, à l'exception de Thomas Collar, que la conduite du capitaine, depuis Carthagène jusqu'au Fort-Liberté, leur avait paru suspecte; ne s'étant débarqués ni au Port-au-Prince ni au Fort-Liberté, et n'ayant pas dénoncé le coupable à temps opportun, il est à présumer que ces accusés avaient été, dans les confidences de Pelletier, et par conséquent doivent être considérés non-seulement complices des tentatives faites dans le Nord, par l'accusé, de même que les autres matelots et passagers du bord, mais encore des actes de déprédation et de vol commis, par le capitaine, au Grand Caïman.

Quant à Picault-Louis-Jean-Baptiste Benjamin et Millet Pierre Henri, qui ne s'étaient embarqués qu'au Port-au-Prince, à bord du William, il y a tout à présumer par les faits consignés dans leurs interrogatoires et les contradictions qui s'y trouvent, qu'ils avaient été dans les confidences du capitaine Pelletier, dès leur départ de ce port; il est même à présumer qu'ils s'étaient engagés avec l'accusé pour son projet de traite et de piraterie.

Pour ce qui est des autres accusés Alexandre Thibodeau, Cartier François, Louis-Maurice Rogard Yeves Guilloux, Jean-Alexandre Hérault, et Louis Legallin embarqués aussi du Port-au-Prince, il n'y a rien qui laisse à présumer qu'ils se fussent engagés avec le capitaine Pelletier pour l'aider à l'exécution de ses criminels desseins; il y a même dans leurs interrogatoires beaucoup pour leur justification à cet égard et pour la condamnation du principal accusé. Cependant ces accusés ayant vu clairement, comme il l'ont déclaré, que la conduite du capitaine Pelletier dans le Nord était celle d'un pirate, et

ayant eu plus d'une occasion pour le dénoncer au Fort-Liberté, à l'exemple de Miranda, et de se retirer du bord, ne l'ayant pas fait, peuvent-être considérés somme complices du dit capitaine, dans sa dernière tentative de traite et de piraterie sur les côtes d'Haïti.

En conséquence, les nommés :

1°. Antonio Pelletier, âgé de quarante-trois ans, capitaine au long-cours, négociant, né à Fontainebleau, demeurant et domicilié à New-York ;

2°. Urbain Castaing, âgé de vingt-sept ans, maître de langues de profession, né à Plaisance, domicilié à Mobile ;

3°. John Henry Brown, âgé de vingt-neuf ans, marin de profession, né à Quimper, naturalisé américain, domicilié à Boston ;

4°. Thomas Collar, âgé de trente-cinq ans, marin de profession et second de la barque William, né à Epping, naturalisé américain, demeurant et domicilié à New-York ;

5°. Picault-Louis-Jean-Baptiste Benjamin, âgé de quarante-cinq ans, commis de profession, né à Paris, demeurant au Port-au-Prince ;

6°. Millet-Pierre Henri, âgé de trente ans, mécanicien de profession, né à Salies, demeurant à Bordeaux ;

7°. Alexandre Thibodeau, âgé de vingt ans, marin de profession, né à Bordeaux, y demeurant ;

8°. Cartier François, âgé de dix-neuf ans, marin de profession, né à Cettes, y domicilié ;

9°. Louis Maurice, âgé de trente-trois ans, charpentier de marine, né à Lorient, y demeurant ;

10°. Rogard Yeves Guilloux, âgé de vingt-trois ans, cuisinier et charcutier de profession, né à Trédarzec, y demeurant ;

11°. Jean-Alexandre Hérault, âgé de trente-trois ans, cuisinier et tailleur de pierres de profession, né à Jeanton, demeurant à Paris ;

12°. Louis Legallin, âgé de vingt-huit ans, marin de profession, né à Belle-Ile, y domicilié, naturalisé américain ;

Sont accusés,

1°. Les quatre premiers, de piraterie et de vol à main armée, avec violence et menace d'assassinat, commis au Grand Caïman, au préjudice de Monsieur Juan Cotès ; le premier comme auteur, les trois autres comme complices. 2°. Tous les douze de tentative de piraterie et de traite sur les côtes d'Haïti, le premier comme auteur et les onze autres comme complices, crimes prévus et punis par les articles 326, 329, 331, du code pénal ; et par les articles 2, 4, 5, 8, 11 du titre 1er. et des articles 1, 3, 5 du titre 2e. (combinés) de la loi du 8 avril 1815, sur la piraterie.

Fait au Parquet du Port-au-Prince, le 1er. août 1861.

(Signé) J. J. LILAVOIS.

Pour copie conforme.

DUVET, Aîné.

Notifié et en tête de celle du présent exploit, donné et laissé copie au prévenu Thomas Collar, étranger, actuellement détenu dans la maison d'arrêts du Port-au-Prince, où je me suis exprès rendu et en parlant à sa personne, ainsi déclaré, trouvée entre les deux guichets de la dite prison, en lieu de liberté ; de l'acte d'accusation ci-dessus à Thomas Collar, n'en ignore. Dont acte, le coût est de dix gourdes. Un renvoi en marge approuvé bon, et un mot rayé nul.

DUVET, Aîné.

[Translation.]

Liberty. Equality.

REPUBLIC OF HAYTI.

ARRAIGNMENT.

J. J. LILAVOIS,

Deputy Commissioner of the Government to the Civil Court under the jurisdiction of Port-au-Prince,

Sayeth that by an order of the chamber of the council, issued on the twenty-fifth day of July of this year, it has been de-

cided that there was cause for prosecution against the persons named, viz:

1st. Antonio PELLETIER, aged forty-three years, a sea captain, merchant, born in Fontainebleau (France), living in New York, his residence;

2d. Thomas COLLAR, aged thirty-five years, a sailor by profession, mate on board bark "*William*," born in Epping (England), a naturalized American citizen, living in New York, his residence;

3d. John Henri BROWN, aged twenty-nine years, a sailor by profession, born in Quimper (France), a naturalized American citizen, living in Boston;

4th. Urbain CASTAING, aged twenty-seven years, a teacher of languages by profession, born in Plaisance (France), living in Mobile (United States);

5th. Picault Louis-Jean Baptiste BENJAMIN, aged forty-five years, a clerk by profession, born in Paris, living in Port-au-Prince;

6th. Millot Pierre HENRI aged thirty years, an engineer by profession, born in Salies (France), living in Bordeaux;

7th. Alexandre THIBODEAU, aged twenty years, a sailor by profession, born and living in Bordeaux;

8th. Cartier FRANÇOIS, aged nineteen years, a sailor by profession, born in Cettes (France), and living there;

9th. Louis MAURICE, aged thirty-three years, a ship carpenter, born in Lorient (France), and living there;

10th. Rogard Yeves GUILLOUX, aged twenty-three years, a butcher and pork butcher by profession, born in Tredarzec (France), and residing there;

11th. Jean Alexandre HERAULT, aged thirty-three years, a cook and a stone-cutter by profession, born in Jeanton (France), residing in Paris;

12th. Louis LEGALLIN, aged twenty-eight years, a sailor by profession, born in Belle-Ile (France), residing there, a naturalized American citizen;

Charged, *the first four*, with attempt at piracy and slave trade

on the coast of Hayti; and robbery with armed hands, also acts of violence and threats of murder, committed at Grand Caïman, in detriment of Mr. Juan Cotès; *and the last eight*, with attempts at piracy and slave trade on the coast of Hayti, said crimes being specified and punished by articles 326, 329, and 331 of the penal code, and by the articles 2, 4, 5, 8 and 11 of title 1st, and by the articles 1, 3, and 5 of title 2d of the law of April 8th, 1815, on piracy; and the above-named accused persons have been referred to the criminal court to be tried according to law;

Sayeth the public prosecutor, that in obedience of the above mentioned order, having carefully examined the articles of procedure, the following facts do appear:

During the month of October of last year, Captain Antonio Pelletier, who had already been signalized to the whole world as an old pirate and slave trader by the newspapers of Europe and of the United States, bought the ship William, that had been captured with several hundred men ravished from Africa, with the intention of continuing this infamous traffic of human flesh.

In order to better conceal the object of his expedition, which was to carry on the slave trade, and piracy on the high seas and on the coast of Africa, the accused Pelletier sailed from Mobile with a small cargo of timber for the port of Carthagena; he went there with a rather numerous crew he had engaged at New Orleans by means of fallacious promises and concealment of his true intent.

When the ship arrived at Carthagena, the boatswain, named Mayer, to whom the accused Pelletier had confided the object of his expedition, informed some of his mates of the fact; he made it known to them that the well-settled intent of Pelletier was to carry on the slave trade and piracy on the coast of Africa. Such was the wrath of the accused Pelletier against Mayer that he ill-treated him cruelly and handcuffed him. However, the boatswain Mayer, in spite of his fetters, managed to make his escape from the ship during the night, to go on

board of a British man-of-war, then in the harbor of Carthagena, and denounce Captain Pelletier and the criminal intent of his expedition.

The accused Pelletier having sold at Carthagena part of his cargo, and intending a change of route on account, doubtless, of Mayer's denunciation, took as freight some merchandise, such as tobacco, soap, Indian corn, etc., belonging to Mr. Antonio Cano, vice-consul of Her Britannic Majesty, and a merchant at Carthagena. His clerk, in charge of whom the goods had been entrusted, went on board the William with his wife, his child, and a servant bound for Rio Hacha. Three other persons from Carthagena were also on board: Césarin César, whom the accused Pelletier had engaged as pilot; a young man named Juan Gutierrez, and Mr. Baïna.

During the voyage from Carthagena to Rio Hacha (whither Captain Pelletier would not consent to go, so as to avoid the "*Gladiator*," the British man-of-war from Carthagena, already referred to), the accused began to execute his infamous designs. In order to terrorize Mr. Cotès, he pretended his main mast was broken; that as he was not certain as to the time he would be obliged to be at sea, he was going to allowance all hands; accordingly, although there was on board a large supply of water and stores for more than six months, he deprived Mr. Cotès and his family of food and water. By this stratagem he succeeded in so intimidating this gentleman that, after a refusal of putting into Jamaica, Mr. Cotès promised to pay to Captain Pelletier a large sum if he consented to disembark on the nearest land. This land was Grand Caïman.

On arriving at Grand Caïman, Pelletier landed Mr. Cotès with his family, and compelled him, by threats of murder, to legalize everything under his signature, and to give him, by deed, all the merchandise entrusted to this gentleman by Mr. Antonio Cano, amounting to more than three thousand dollars. Such are the predatory acts practised by the accused Pelletier against Mr. Cotès; such acts combine the twofold character of piracy and

of robbery with armed hands, with violence and threats of murder.

Having departed from Grand Caïman, Captain Pelletier stopped at Cienfuegos of Cuba, intending, in all probability, to perform an unlawful act by selling Césarin César and Juan Gutierrez; but, on his arrival at that port, it was ascertained that the ship William was a slave-trader, because the accused, having sent his boat ashore, with the mate and three men of the crew, they were arrested. And Mr. Baïna relates that it was only the power of money that enabled the captain, already known as a pirate, to leave Cienfuegos and recover his men.

On arriving at Port-au-Prince, after leaving Cuba, Captain Pelletier does not declare having sailed from Carthagena for Rio Hacha. He says he comes from New Orleans, with a cargo of deals and other merchandise.

Pursuant to a declaration of Mr. Baïna to police headquarters, five sailors of the William, kept under arrest by Captain Pelletier, who was afraid they should make known his infamous plans of slave trade and piracy, were questioned by the local authorities and testified concerning the intrigues of Captain Pelletier from Carthagena to Grand Caïman, from that port to Cienfuegos, and from Cienfuegos here. In consequence of the declaration of Baïna and of the five sailors, Carlo Ciscornia, Juan Poux, Antonio Lovos, William Smith, and Pablo Rebautes, the commissioner of the Government, the governor and other officers went on board the William and ascertained the presence of twenty pairs of handcuffs, four Colt's rifles, twelve revolvers, two kegs of gun-powder, a great quantity of empty barrels, a very large quantity of stores, a large number of woollen blankets, and a twin-deck in course of construction. This, together with the declaration of Vil Maximilien, a Haytien citizen, to whom Captain Pelletier had applied in order to obtain fifty men and six women he desired to engage, as he said to Maximilien, to get guano; also the intrigues of Captain Pelletier and the means of intimidation he resorted to in order

escape our investigations, complaining to the American consul of the officers who had inspected his ship, and, as he falsely said to the consul, had trampled upon the American flag; all these facts concur to prove in an evident manner that the object of Captain Pelletier, after the partial failure of his vast scheme of slave trade and piracy, was to make up for his loss by means of a certain number of men he intended to take away from us. If Captain Pelletier has been allowed to leave Port-au-Prince after all these facts, it is not because of a want of proofs to establish his guilt; but because the Government in his wisdom, rather than detain Pelletier and his ship, preferred to relinquish the culprit to the vigilance of philanthropic nations whose vessels scour the sea with the object of bringing to prompt punishment this class of ruffians, and to divine justice, whose manifestation was not slow. The Government allowed Captain Pelletier to sail, and ordered our despatch-boat, the "Geffrard" to follow the track of the slave-trader ship. During the voyage the accused Pelletier conceived the idea of capturing the "Geffrard." He had shots and fusees made by the accused Henri Millet formerly an engineer on board of our despatch-boat, and who had charge of taking the powder-room of the "Geffrard" as the aim of his firing; five men were sent on board with the object of exploring the man-of-war under pretence of asking the commander of the "Geffrard" to fix the chronometers of the William that were out of order. The accused, although they deny, with the exception of Miranda, the only informer, that Captain Pelletier had the idea of capturing the "Geffrard," have nevertheless been unanimous in declaring that shots had been manufactured by Henri Millet, and that a deputation had been sent on board the Haytien vessel by the accused Pelletier. The attitude assumed by Commander Chassaing and his crew, the energetic summons of instantly leaving the ship, and the difficulty, not to say impossibility, of carrying into effect his daring scheme, compelled Captain Pelletier to abandon it.

He, however, took his revenge by continually changing his

course, so as to oblige, as he said to his crew, the Geffrard to burn her coal. When the Geffrard left the slave-trader ship near the Môle, Captain Pelletier tacked about for several days in the channel, abandoning the New Orleans route, the port he had been cleared for when leaving Port-au-Prince, and commencing to execute his projects at piracy in our seas. He had told Miranda, the mate of the William, that, in order to indemnify himself of the 40,000 francs he had spent at Port-au Prince, he wanted to take from our shores and our settlements 150 men he intended to sell as slaves at Havana; and when Miranda observed that, the Haytiens being free and civilized, it would be impossible for him to kidnap them, the accused answered: *We shall kill some of them, and the others will allow themselves to be carried away.* Miranda likewise declares that Captain Pelletier had also decided to make himself master of those of our coastwise ships he might find laden with coffee and merchandise. To this end he continued tacking about for so long in sight of Môle, that he went to Grande Inague, from there to Cayes des Caïques and opposite the Cap, from whence he hastily retreated, under French colors, having recognized the port pilot.

Captain Pelletier, having failed to accomplish his intended acts of piracy in the neighbourhood of Môle, made for the north eastern coast of the island, always with the same object in view. He arrived at Fort Liberty and hoisted again the French colors. Coming into port he commanded his crew to call him Jules LETELLIER; to name the ship *Guillaume Tell*, from Havre, coming from Havana; to say he had just suffered damages at sea and had left part of his cargo at bank d'Argent. Having said so he ordered the carpenter to take away the board bearing the real name of the ship.

However, the authorities at Fort Liberty went on board: the captain, to deceive them better, received the officers with great affability. He told them that his mast, his chronometers, his rudder, were out of order; that he was just coming from bank d'Argent, where he had left part of his cargo, and that

he wanted about fifty men to help him to take it away. He declared that the name of the ship was Guillaume, from Havre, coming from Havana, and that he had put into harbor in order to make repairs. An official report was drawn up; the accused Pelletier signed it with his own hand, *Jules Letellier*.

Pelletier did not content himself with asking for 50 men; he contemplated giving a ball on board with the intention of weighing anchor and leaving with the young men and women of Fort Liberty he should have invited. His projects were in the stage of requests for men and of invitations, when Miranda, the boatswain, made is escape at night and informed the authorities of Fort Liberty against the pirate captain. The general in command summoned the accused Pelletier to come ashore with his ship's papers. He stubbornly refused, and wrote a rather bold letter to the general, in order to intimidate him and find the opportunity of making good his escape.

However, the night when Miranda ran away and the following day were filled with anguish for Captain Pelletier. Himself, with the accused Urbain Castaing and four men, armed with daggers and revolvers, went ashore, intending to seize Miranda, dead or alive, if possible, so true it is that he was in dread of his escape.

The accused Pelletier determined to flee at night. During the evening he had 18 revolver shots fired so as to cause intimidation, and at about 2 A. M. he weighed anchor in order to steal away. But God, who had seen him when he caused the merciless assassination of eleven unfortunate beings out of 530 negroes he had robbed in Africa under pretence that these men wanted to rebel; God, who had been a witness to the horrible deed at Grand Caïman, and of so many acts of atrocity and villany perpetrated by the accused Pelletier, did not allow this great criminal to make good his escape from the justice of the country that was to punish him for his crimes. After having been three times stopped on a sand bank, the William fell into the hands of the authorities of Fort Liberty and got afloat again as soon as they were on board.

The accused and his accomplices were questioned at Fort Liberty, sent to Cap and imprisoned by the vice-consul of France at that place; then delivered into the hands of the Government. All the consuls of the foreign powers represented at Hayti, justly indignant at the conduct of Captain Pelletier, have declared officially that they would leave the accused to be dealt with by the country's judicature.

On being questioned at Fort Liberty and at Port-au-Prince, the accused Pelletier denies absolutely every accusation. He positively denies the facts brought against him on account of Mr. Cotès at Grand Caïman. He alleges that a *bona-fide* transaction was concluded between Cotès and himself; that their transactions have been legalized by the American consul at that place. But of what avail can his denials be in view of the declaration of Her Britannic Majesty's consul, who, pursuant to a complaint of Mr. Cotès, gives an account of the cruel means Captain Pelletier resorted to in order to take possession of the goods of Mr. Antonio Cano? But of what avail can be his denials in view of the declaration of Mr. Baïna? It is overwhelming against the captain; and, besides, Messrs. Cotès and Antonio Cano, who have arrived in this country a few days ago, have come expressly to convict Mr. Pelletier of the crimes of which he is accused towards them.

The accused also endeavors, in the several examinations he has been subjected to, to explain the forgeries he has made at Fort Liberty, and to clear himself of his attempt at slave trading and piracy in the North.

The letter of the American consul at Cap, addressed to Captain Pelletier himself, is quite sufficient to prove that in the North the accused behaved like a true pirate. So the consul positively declares.

The captain pretends he met with contrary winds; that he was obliged to tack about for several days, and to go to Grande Inague to take water and ballast.

The sailors have declared that there were no contrary winds; that the captain rather choose to sail against wind, and devi-

ated from his route, and that he had on board more water than it was necessary for a voyage to New Orleans.

The captain alleges that if he has changed his colors and name, and if he has given an assumed name to his vessel, it was because he feared to be ill treated at Fort Liberty, as he had been at Port-au-Prince. This is a poor pretence. It is not probable that Captain Pelletier should have been ill treated under his real name and flag, with his ship papers from Port-au-Prince for New Orleans, and, even admitting the supposition that such danger should have existed, and that, in order to avoid it, the accused should have been compelled to change his name, his colors, and to alter the name of his vessel, it was not necessary that Captain Pelletier should falsely declare to the authorities of Fort Liberty that, arriving from bank d'Argent, where he had left part of his cargo, he needed 50 men to help him to take it away; and, besides, Captain Pelletier is compelled to confess that, if he had been obliged to show his ship papers to the authorities of Fort Liberty, after the denunciation of Miranda and the summons sent to him, *he should have felt somewhat at a loss.* It is therefore obvious his object was to kidnap our men.

The accused Pelletier pretends he has never been captured on board the "*Ardenne.*" However, he owns he has been in command of that ship, and has already been submitted to trial (charged with slave trading), and that he was found *not guilty.*

All these confessions concur to confirm what the foreign newspapers relate concerning the criminal antecedents of the accused, or at least gives it a striking color of probability.

Such are the facts by which the culpability of Captain Pelletier is established, and which caused his being referred to the criminal court.

As to the other men accused, embarked at Mobile, namely, Thomas Collar, Urbain Castaing, and John Henri Brown, although there is nothing in the trial to prove they materially concurred in the crimes committed by the accused Pelletier

at Grand Caïman against Mr. Cotès, but as, with the exception of Thomas Collar, they have confessed in their examinations that the conduct of the captain from Carthagena to Fort Liberty had appeared as suspicious to them, and having not left the vessel at Port-au-Prince nor at Fort Liberty, and having failed to inform against the culprit in due time, it is to be supposed that these accused had been the confidants of Pelletier, and therefore have to be looked upon not only as accomplices in the attempts made at the north by the captain, as well as the other sailors and passengers on board the ship, but also in the predatory acts and robberies committed by the captain at Grand Caïman.

In regard to the other men accused, namely, Alexandre Thibodeau, Cartier François, Louis Maurice, Rogard Yves Guillouz, Jean Alexandre Hérault, and Louis Logallin, also embarked at Port-au-Prince, nothing gives cause to presume they had made an engagement with the captain to aid him in the execution of his criminal designs. There is even much in their examinations to justify them in this respect and to condemn the principal accused. However, these men having clearly noticed, as they have declared, that the conduct of Captain Pelletier in the North was the conduct of a pirate, and having had more than one opportunity to denounce him at Fort Liberty, as Miranda did, and leave the ship, and having failed to do so they may be accounted as accomplices of said captain in his last attempt at piracy on the coast of Hayti.

Therefore the persons named, viz:

1st. Antonio Pelletier, aged forty-three years, a sea captain, merchant, born in Fontainebleau, France, living in New York, his residence;

2d. Urbain Castaing, aged twenty-seven years, a teacher of languages by profession, born in Plaisance, living in Mobile;

3d. John Henri Brown, aged twenty-nine years, a sailor by profession, born in Quimper, a naturalized American citizen, living in Boston;

4th. Thomas Collar, aged thirty-five years, a sailor by profession and mate on board bark "William," born in Epping, a naturalized American citizen, living in New York, his residence;

5th. Picault Louis-Jean-Baptiste Benjamin, aged forty-five years, a clerk by profession, born in Paris, living in Port-au-Prince;

6th. Millet Pierre Henri, aged thirty years, an engineer by profession, born in Salies, living in Bordeaux;

7th. Alexandre Thibodeau, aged twenty years, a sailor by profession, born and living in Bordeaux;

8th. Cartier François, aged nineteen years, a sailor by profession, born and living in Cettes;

9th. Louis Maurice, aged thirty-three years, a ship carpenter, born and living in Lorient;

10th. Rogard Yeves Guilloux, aged twenty-three years, a butcher and pork butcher by profession, born in Tredarzec, and residing there;

11th. Jean Alexandre Herault, aged thirty-three years, a cook and a stonecutter by profession, born in Jeanton, residing in Paris;

12th. Louis Legallin, aged twenty-eight years, a sailor by profession, born in Belle Ile, residing there, a naturalized American citizen;

Are charged—

1st. The first four, with piracy and robbery with armed hands, with acts of violence and threats of murder, committed at Grand Caïman, in detriment of Mister Juan Cotès; the first as principal, the other three as accomplices. 2d. All twelve are charged with attempt at piracy and slave trade on the coast of Hayti, the first as principal and the other eleven as accomplices; said crimes being specified and punished by articles 236, 329, 331 of the penal code; and by articles 2, 4, 5, 8, 11 of title 1st and articles 1, 3, 5 of title 2d (combined) of the law of April 8th, 1815, on piracy.

Given at the court of Port-au-Prince, the 1st day of August, 1861.

(Signed) J. J. LILAVOIS.

A certified copy.

(Signed) DUVET AINÉ.

Served, and at the head of this present writ, given, and left a copy to the accused, Thomas Collar, a foreigner, now a prisoner in the jail of Port-au-Prince, whither I expressly went, and speaking to himself, as it was declared, and he being found between the two gates of said jail, on free ground; I left the above-written arraignment to Thomas Collar, so that he may not be ignorant of the facts herein stated.

Certified, the cost is ten dollars; reference in the margin approved as good, and one word erased as null.

(Signed) DUVET AINÉ.

Cross-examined by Mr. BOUTWELL:

Q. I see here the name of Thomas Collar written upon this paper; do you know whether that is his handwriting?

A. I think it is.

Q. Did you not receive that paper from Mr. Collar?

A. I think not.

Q. Do you feel sure about that?

A. It was a long time ago, and I may have substituted this for the one I had; but I did receive one from General Dupuy.

Q. Did you ever see Collar write?

A. No, sir; I never did; let me recall; this is a long time ago; if Thomas Collar was one of the men whose affidavit I took I must have seen him write; but I should not know his handwriting if I did see him write; it was only that once: it may be that it was a duplicate of that paper furnished me.

The ARBITRATOR. I admit the paper in evidence.

Mr. CASON. There is another matter, your Honor, which I wish to call attention to this morning. Certain interrogatories have

been filed by the Counsel for the Republic of Hayti. We understood that your Honor would not issue any commissions, and we have understood also that the Secretary of State does not feel authorized to issue one. So far as we are concerned, we do not want any interrogatories, but we might wish to file cross-interrogatories if there is to be a commission issued. Still, we oppose a commission.

The ARBITRATOR. You have perhaps misunderstood me. I said I doubted very much whether I had the power to issue a commission, and I thought the commission should issue from the Secretary of State. But I said at the very beginning that if it were necessary I would sign a commission. I do not see why the Secretary of State should not sign a commission, or sign an order at least, to the consul-general to take these depositions. But if he declines to do so, I shall feel disposed to carry out what I stated in the beginning.

Mr. CASON. I was not present, perhaps, when your Honor made that statement. It was only the observation you made the other day that I heard, and I have probably misapprehended it a little. I was not present when the Secretary of State stated that he did not feel authorized to issue a commission.

The ARBITRATOR. Did the Secretary of State make that statement to Mr. Merriman?

Mr. MERRIMAN. He said he had no authority to issue a commission. He made that statement to me.

The ARBITRATOR. Did he decline to issue it?

A. Yes, sir.

The ARBITRATOR. I shall sign what purports to be a commission if it is presented to me, although I have very serious doubts about my power to issue a commission; you must take it for what it is worth; the testimony which may then be taken can have no more weight than *ex parte* affidavits.

Mr. CASON. We are to be understood as not consenting to the issuance of this commission to a foreign country; that is

the reason we produced our witnesses before your Honor, and we think the Government of Hayti ought to do the same.

Mr. DE CHAMBRUN. Under the order made by the Arbitrator, it was understood that Counsel should receive the interrogatories and file cross-interrogatories within eight days.

Mr. CASON. So we understood; but as we inferred that your Honor would not issue a commission, and as the Secretary of State declined doing it, we supposed it would be useless. Under the circumstances, we do not care to file any cross-interrogatories.

The ARBITRATOR. I will therefore sign a commission, which will be mailed to-night, with the interrogatories already filed attached.

After time had been allowed Counsel to consider the subject, the following statements were made with reference to the subject of commissions:

Mr. CASON. If your Honor please, we have consulted together in relation to the interrogatories, and we have concluded to file no cross-interrogatories; but, upon the part of the claimant, we propose to ask the Secretary of State to have Mr. Hubbard come here for cross-examination.

The ARBITRATOR. Where is Mr. Hubbard now?

Mr. DE CHAMBRUN. He is commercial agent of the United States in Porto Rico.

The ARBITRATOR. I should like myself to have Mr. Hubbard come here.

Mr. ELDREDGE. I understood your Honor, at the meeting on Monday, to suggest to us the very question which I remarked we intended to raise when the Solicitor-General of the United States came in. You then, as I understood, stated that you had been considering the subject somewhat, revolving it in your mind, and you doubted whether you had any power to issue a commission. We, as Counsel, came to the conclusion, after consulting together, that, while we had said something

which might be construed into an acquiescence in a commission being issued, yet, if a commission were issued and an examination had, no such thing as perjury could be predicated upon any oath that might be administered to the witness, and that his statement would be nothing more than a mere declaration or affirmation. It was for that reason that we made up our minds not to file cross-interrogatories.

The ARBITRATOR. My present impression is that there is no law that would make false swearing before a commissioner, under a commission issued by me, perjury. Still, I am willing, if the Secretary of State will not issue a commission, to issue letters interrogatory or a commission to the American consul to take the testimony in answer to the interrogatories propounded to such witnesses as may be produced before him, subject, however, to subsequent consideration by myself of the question whether that amounts to anything more than *ex-parte* affidavits. You have given in evidence yourself *ex-parte* affidavits.

Mr. ELDREDGE. That is true, but at the proper time we will suggest that the affidavits which were *in limine*, and taken into consideration by the Secretary of State of the United States and of Hayti, stand in a very different position from an affidavit taken after the arbitration began.

The ARBITRATOR. I do not propose to decide that question now.

Mr. ELDREDGE. Your Honor has stated that you think that under any commission issued by your Honor or the Secretary of State there was no law which makes false swearing under such an examination perjury.

The ARBITRATOR. Do you think that perjury could be predicated upon the affidavit of Dubreuil?

Mr. ELDREDGE. In that case the affidavit was considered by the two Governments, and I have very decided views as to the effect of all the evidence considered by the two Governments. I base the validity of that testimony upon the fact that the Secretary of State and the Government of Hayti proceeded in

its consideration to the point of organizing this Commission, and it becomes a record for this case, a record upon which the two Governments have acted, and in which they have acquiesced.

The ARBITRATOR. I decide nothing now. I will say, nevertheless, that because these papers make a record, it does not follow that everything in them is verity.

Mr. ELDREDGE. I mean simply to state that these proceedings which were had between the two Governments were sufficient to lead up almost to a declaration of war, and finally to a compromise between the two Governments, and to your appointment as an Arbitrator; they are entitled to very grave consideration.

Mr. BOUTWELL. I wish to say one word upon this point: Our objection to the affidavits is not that the parties making them cannot be held for perjury, but it is that we have not had an opportunity to test the knowledge and consciences of the witnesses. I venture the suggestion that none of these witnesses who have been sworn here are amenable under any law of the United States for perjury.

Mr. ELDREDGE. An affidavit is as good as anything else.

Mr. BOUTWELL. Not at all. In the case of a deposition we have an opportunity to cross-examine the witnesses.

Mr. CASON. So far as the Department of State is concerned, it has its own mode of investigation, and that mode is personal. It has its officers; it sends out its agents; these agents are sworn, and they make investigations and take evidence. Some of these affidavits were taken that way, and the State Department comes to the conclusion that they justify it in making certain demands. It has acted upon these matters, and it seems to us that they ought to be taken with greater weight, because they are the acts of a Department of this Government, which has, on the one side, created the Commission that is trying this case.

The ARBITRATOR. I decide nothing now as to the effect of this testimony. I will leave that open to discussion hereafter and further consideration by myself. When the commission

come back I will give them such weight as they are entitled in the law, and if entitled to none, I will give them none.

A commission to take the testimony of Gorham Eustis Hubbard was then addressed to Max Eisenlohr, Mayaguez, Porto Rico.

JOHN JOSEPH AUDAIN,

a witness on behalf of the Republic of Hayti, being present, was duly sworn, and testified as follows:

Examined by Mr. DE CHAMBRUN:

Question. State your full name, age, and profession.

Answer. My name is John Joseph Audain; I am 52 years of age; am ex-treasurer general and ex-minister of finance of the Haytien Government.

Q. Will you please state where you resided in 1860?

A. I was then in Port-au-Prince.

Q. What was your profession then?

A. I was a druggist and chemist and journalist.

Q. Were you at Port-au-Prince when the barque "William," under Captain Pelletier, arrived?

A. I saw the barque and the landing of the Menottes; I was there when the barque arrived.

Q. Do you know whether the Government of Hayti had possession of the barque at that time?

A. The Government did, after a sailor came and told the Government——

The ARBITRATOR. You are asked whether you knew that the Government had possession of the barque?

A. Yes, sir.

Mr. DE CHAMBRUN. Do you know what led to the Government taking possession of the barque, of your own knowledge, and what events transpired that led to that act?

A. It was because a sailor came to the authorities there and said that Pelletier was a pirate, and a man on board the vessel denounced the captain as being a pirate.

Mr. ELDREDGE. I object to this answer of the witness.

Q. Were you present on the wharf at any time after the Government took possession of the barque?

A. I was there when they landed the handcuffs.

Q. How many handcuffs were there?

A. There was a pile or them.

Q. Well, give the nearest that you can come to the number!

A. There was fully twenty.

Q. Did you see them?

A. I saw a pile, but didn't count them.

Q. Are you acquainted with the hall where the criminal trials are held at Port-au-Prince?

A. Yes, sir.

Q. Will you please describe that hall?

A. The room is found at the back of the civil court at Hayti, inside the yard; the prisoner is brought there without irons—

Mr. CASON. This is not an answer to the question.

The ARBITATOR. It can hurt nobody, and it may help materially to the understanding of this part of the case if we have a description of the court.

A. There is a table there; the prisoner is on one side and the judge on the other.

Q. Is there any special box for the prisoner?

A. Not at all; allow me to tell you that is the room of interrogation; but the tribunal is open to everybody.

Q. Can the prisoner at any time see the witness with his eyes and follow all the proceedings?

Mr. ELDREDGE. I object to this examination.

Mr. DE CHAMBRUN. Have you ever been a juryman?

A. Yes, sir; and president of the jury, too.

Q. You have been a juryman, then, in that very room?

A. Certainly, sir.

Q. Please describe where a prisoner is placed, and whether he can see what is going on in the room; that is, see the faces of the witnesses and be in a position to be acquainted with all the proceedings.

A. Judge, will you please allow me to make a remark; there is another room in which the prisoner is interrogated first, before the judge of instruction; then, when the prisoner is recognized guilty by the chamber of criminality, the guilty party is sent to the civil court, and the criminal section of that civil court try him in open tribunal; everybody can stand and hear the trial; the man sees everybody who deposes for or against him.

Mr. Cason. In the civil court?

A. In the criminal court, we have two sections; we have the civil section and the criminal section.

Q. Where is his box?

A. He is sitting right there.

Q. Is he not surrounded with a box?

A. O, no, sir.

Mr. de Chambrun. Have you ever heard of a guano island called Buida, in the neighborhood of Hayti?

A. No, sir; I do not know it.

Q. Or in the neighborhood of Navassa?

A. I know the Navassar, but I don't know Buida.

Q. In 1860 who claimed possession of Navassa?

A. The Haytien Government.

Q. Who was in actual possession of the island at that time?

A. Some Americans.

Q. Was the American flag flying over Navassa in 1860?

A. Yes, sir; and before that.

The Arbitrator. Do you know that of your own knowledge?

A. Yes, sir; because the government of Soulouque claimed possession of that country; I am a journalist, and in that capacity I know everything in my country.

Q. As a member of several juries and as president, you have had opportunities to see the criminal proceedings as conducted in Hayti?

A. Yes, sir.

Mr. CASON. If your Honor please, he has not said that he served on several juries, but he said he was on one jury.

A. I have been president and member of the jury many times.

Mr. DE CHAMBRUN. Have you always understood that the code of instructions criminelle was the same as the French Government?

A. All our laws are copied from the French laws.

Mr. CASON. I object to this question and answer. This witness is not an expert.

Mr. DE CHAMBRUN. Very well; I will withdraw the question and answer.

Mr. ELDREDGE. I prefer to have it overruled.

The ARBITRATOR. Well, it is overruled.

Mr. DE CHAMBRUN. State what is the first stage of a criminal proceeding when a party is arrested?

A. He is put in prison.

Q. Is he interrogated any by the judge?

A. Certainly.

Mr. ELDREDGE. Now, if your Honor please, this witness is not an expert, and——

The ARBITRATOR. I hardly think that this is regular.

Mr. ELDREDGE. He is asking the witness in regard to the general practice. That may be the general practice. But the question here is what was done in the case of Pelletier. The general practice may have been departed from in that case.

Mr. JACKSON. You should confine yourself to this case.

Mr. ELDREDGE. We claim that all the laws of this and every other country were violated in the case of Captain Pelletier.

Cross-examined by Mr. CASON:

Q. Were you present at any trial of Captain Pelletier?

A. No, sir.

Q. You say you were not present at any trial, either in the court-martial, civil court, or criminal court?

A. No, sir; I was not present.

Mr. DE CHAMBRUN. I object to this. The question assumes that there was a trial before a military court-martial.

The ARBITRATOR. Undoubtedly that is assuming that there was a court-martial.

The WITNESS. I never go to trials by court-martial, but the reporter of my newspaper generally attends that court.

Mr. ELDREDGE. What paper do you edit?

A. I edit the "Peuple" and the "Commerce;" two papers.

Q. Where?

A. I Port-au-Prince, Hayti.

Q. Are both papers on the same side of your political question?

A. Well, one paper succeeds to the other; that is to say, when the Government is not despotic I have the "Peuple," which is an entirely political paper, and when we have a despotic Government I have the "Commerce," which is entirely a commercial paper.

Q. You accommodate yourself to the Government, then?

A. Not to the government; I accommodate myself to my own mind and soul.

Q. Were you editor of the paper in 1861?

A. I was.

Q. At the time Pelletier came into Port-au-Prince?

A. That was in 1860.

Q. Were you then editor?

A. I was.

Q. Did you go on board the barque "William?"

A. I didn't go aboard her, but I saw the barque when she came in.

Q. Whereabouts were these handcuffs that you saw?

A. On the wharf at Port-au-Prince.

Q. Who had charge of them?

A. The Government.

Q. What officer of the Government?

A. I cannot remember.

Q. What particular officer of the Government had charge of those handcuffs?

A. It was the commissary-general of the Government, I think.

The ARBITRATOR. Do you remember what officer had charge of them?

A. I knew it was——

The ARBITRATOR. But do you know his name?

A. It is 20 years since then, and of course I cannot remember everybody's name.

Mr. DE CHAMBRUN. I do not see any reason for brow-beating this witness. He is a distinguished citizen, who is stating the facts as he remembers them.

The ARBITRATOR. I will not allow the witness to be misused.

The WITNESS. I have been a minister of my Government, and a senator.

Mr. ELDREDGE. I never did misuse a witness, and never propose to do so, but I intend to get direct answers to my questions.

Q. Who had charge of those handcuffs?

A. The commissary of the Government.

Q. Well, who was he?

A. I do not know; I saw him take charge of the handcuffs.

Q. I ask you again who was he?

A. I do not remember; it is 20 years ago.

Q. Did you see anybody have charge of them?

A. Certainly.

Q. Well, who was it?

The ARBITRATOR. Mr. Eldredge, I think you have gone far enough.

Q. Did you see these handcuffs brought from the bark William?

A. Yes, sir.

Q. What time was it?

A. Well, it was in 1860.

Q. I mean what time of day or week?

A. It was in the morning, the daytime.

Q. What day?

A. I cannot remember that.

The ARBITRATOR. If you cannot remember, just say you cannot remember.

Q. Did you see anybody bring them off the bark William?

A. I saw them landed from the barque.

Q. And you do not know who did it?

A. It was by the commissary of the Government.

Q. Did you know the commissary of the Government at that time?

A. I have told you several times I don't remember his name.

Q. Where was the bark William at that time?

A. I think the bark was painted black, and bore the name of "William, of New Orleans" on the stern.

Q. I ask you where was she located?

A. In the harbor of Port-au-Prince.

Q. How far out?

A. Not far out; the harbor is not large; Captain Pelletier himself has seen me; I saw him when he was in the hospital at Port-au-Prince; the gentleman himself remembers me.

Q. What did you say you saw painted on the bark?

A. I saw "William" painted on the bark, and "New Orleans."

Q. Whereabouts?

A. On the back part.

The ARBITRATOR. He says on the stern.

Q. Both of these words were painted on the stern of the vessel; that is, on the hind end?

A. Yes, sir.

Q. How near did you go to the bark William yourself?

A. I did not go to the bark William; I was on the wharf.

Q. How far was she out?

A. The wharf is not wider than from here to the corner.

Q. How far was she from the wharf?

A. The bark was inside of 40 lengths.

Q. How many miles?

A. There is hardly a mile in the harbor.

Q. Well, how far was she?

A. It must have been a quarter or a third of a mile.

Q. Do you say it was at least a quarter of a mile?

A. It was inside of the fort.

Q. Well, was it a quarter of a mile out?

A. I cannot tell you; Fort Ely is not a mile from the city, so that the bark could not be a mile from the city.

Q. Was she lying with her front or rear towards the wharf?

A. You had better ask me how my child came into the world.

Q. You say you did not count these handcuffs?

A. No, sir; I did not count them.

Q. You saw a pile of them there, you say?

A. Yes, sir; a pile of them.

Q. Did you see anything else brought off from the bark William?

A. I think there was some carbines or guns?

Q. How many guns?

A. I don't know, sir.

Q. Was there 20, 30, or 40?

A. I cannot tell the number. I didn't go there to count them.

Mr. CASON. Did you see the handcuffs taken off from the bark, or did you see them simply on the wharf?

A. I saw them when they were brought from the William.

Q. Did you see them come from the William?

A. Certainly.

Mr. ELDREDGE. Did you see the parties come off from the William?

A. Yes, sir.

Q. Did you see the captain while he was under arrest?

A. No, sir.

Q. Did you see any of his men while they were under arrest?

A. No, sir.

Q. You did not attend any trial of Pelletier?

A. I said no.

Q. Then all you have said about trials is what you have seen as a juryman; you did not mean to say anything more than what you have observed?

A. I have been fifty times to the court.

Q. You were asked by Mr. de Chambrun where the box was in which the prisoner was placed.

A. There is no box there at all; there are three or four benches in gradation, where the several prisoners are brought and sit—there are several; one sits above the other; this is enclosed with a railing, but when there is only one prisoner on the bench he is aside of everybody.

DAVID FRANCIS BURKE,

a witness on behalf of the Republic of Hayti, being present, was duly sworn, and testified as follows:

Examined by Mr. DE CHAMBRUN:

Question. Will you state your full name?

Answer. David Francis Burke.

Q. Please state your age, residence, and profession.

A. I am 48 years of age; reside at Port-au-Prince, and have been in commerce.

Q. Were you in Port-au-Prince in 1860?

A. I was.

Q. Did you see the bark William?

A. I saw the bark William arrive; there was great excitement and a crowd at the wharf, and I went down to see what it was.

Q. What did you see?

A. I saw several persons brought ashore manacled by the feet and hands; among them I saw one woman; the rest were men.

Q. Did you see anything else?

A. I saw several water casks taken out of the William and brought ashore in a boat, and some manacles and other stuff.

Q. How many water casks?

A. I could not tell you exactly, but there was several.

Q. How many manacles?

A. I could not tell you exactly; I saw a heap of stuff brought ashore.

Q. Did you see those manacles there while the men were manacled?

A. I saw the men first come ashore, and afterwards a boat brought off the manacles.

Mr. DE CHAMBRUN. Were those manacles simply for the hands?

A. Some had chains for the feet.

Q. Have you witnessed the trial of Captain Pelletier?

A. No, sir.

Q. Have you ever seen the barque since?

A. No, sir; I have not.

Q. Do you remember whether her name, the bark "William, of New Orleans," was painted on her?

A. No, sir; I could not tell you; I did not take sufficient interest in the affair.

Q. Did you see carbines and revolvers?

A. I could not tell you; there was such a crowd that the people wanted to lynch them; the authorities had to do their best to protect them; for myself I was not near enough to tell you any particulars.

Cross-examined by Mr. Cason:

Q. There was quite an excitement?

A. There was an immense excitement.

Q. Did you see those handcuffs which you have spoken of come off the bark William?

A. I saw them in the boat coming from the bark.

Q. Did you see them taken off the bark?

A. No, sir; I was at the wharf and saw them come to the wharf.

Q. Did you notice whether there was any chains in connection with those manacles which came on the boat?

A. No, sir; I saw some; some of those who came on shore had them on.

Q. Those men brought ashore had the chains on their feet; were they chained closely?

A. I could not tell you.

Q. How far could they step with those chains?

A. Well, a distance of about two feet or a foot and a half—that is, the distance of the chain; there was such a crown on the wharf it was impossible for me to examine them as to how they were made, and I know the affair occupied great attention all around and there was great excitement in the town.

By Mr. Jackson:

Q. You absolutely saw nothing taken from on board the William?

A. No, sir; I cannot say I did.

Mr. Cason. Was there anything in connection with that crowd towards the prisoners while passing up into the city, such as throwing of stones or sticks?

A. I saw a great excitement, and the authorities surrounded

the prisoners with soldiers so as to hinder the populace from coming near them.

Mr. DE CHAMBRUN. If your Honor please, I notice several alterations in the testimony of one of the witnesses; now we object to any change being made in the deposition of a witness; the claimant in this case has proposed to make certain alterations in the testimony which he has given here.

Mr. CASON. Not at all, sir.

Mr. DE CHAMBRUN. I take it, if your Honor please, that if any change is to be made in the testimony of a witness, the change must be made before the Arbitrator by way of oral statement, in the presence of Counsel on either side.

Mr. CASON. If your Honor please, that is a reflection upon us. We do not propose to make any changes, but we wish the testimony to be accurate.

The ARBITRATOR. I must say that the report of the testimony seems to be very accurate.

Mr. CASON. Well, if your Honor please, to avoid any further discussion of this matter, I will call the witness to the stand.

ANTONIO PELLETIER,

the claimant, then took the stand for the purpose of explaining the testimony which he had given at a previous session.

The WITNESS. Governor Boutwell asked me in my cross-examination when I sailed from Mobile. I told him at eight o'clock in the evening. If he had asked me the time I left the wharf where I was, I would have told him in the morning, but that was not sailing. I was towed in the morning down to the lower bay; then, in the evening I set sail, after my pilot left me. There is another correction I would like to make. The report of my testimony makes me say that I paid Cortez $1,500. I intended to say, and I think I did say, $1,000.

Mr. JACKSON. What do you mean by that?

WITNESS. I mean I paid Cortez, allowing for exchange and the difference between the French currency and the currency

there, one thousand dollars. I paid him at the rate of the currency of the United States, which amounted to $1,000.

Mr. BOUTWELL. To whom did you sell the "Ardennes?"

WITNESS. It was not sold by me, sir. I do not know who bought it. It was sold by the firm of Herbert and Burgoyne, in William street, New York; I think it was 49 William street.

Q. For how much?

A. I cannot tell you, it was so long ago; they rendered their account; Judge Berrett, who was drowned in Florida, was the man who took charge of that account.

Q. Is that firm in existence now?

A. I saw Mr. Burgoyne in New York; I used to know him in 1849 in California.

Q. Where did he sell her?

A. I do not know; I left the vessel in the care of Judge Berrett, of Florida, and that firm, and I think they sold her in New York; that is the only remembrance I have.

Q. You have no knowledge of it then?

A. No, sir.

Q. Have you any account of her sale?

A. I had.

Q. What became of that account?

A. All those papers are gone.

Q. What was her tonnage?

A. Her registered tonnage was 350 tons.

Q. When you sailed in her from Jacksonville, and during the time you were in her until she was brought into New York, was her name painted on the stern of the vessel?

A. Always; I do not know whether it was painted on the stern or on boards which were nailed on the stern, but her name was there.

Q. As to her name being painted on boards——

A. That is usual.

Q. Well, was it painted on the body of the vessel or on a board?

A. It may have been on a board or on the vessel itself; I cannot remember these details.

Q. You would not like to say?

A. I would not say anything about it.

Q. How did her tonnage compare with that of the "William?"

A. I think she was larger than the "William."

Q. Have you ever known anything of the "Ardennes" since she was sold in New York?

A. I have never laid my eyes on her.

Q. Do you know what became of her?

A. No, sir.

Q. Do you recollect the circumstance that when you were upon the witness stand you said you sent her to New Orleans?

A. I do not know whether she was sold in New Orleans.

Q. But do you recollect the circumstance that when you were on the witness stand before you said she was sent to New Orleans?

A. I said she may have gone to New Orleans, probably through that week.

Q. Is that what you say now?

A. That is what I said then.

Mr. Eldredge. Was it painted on a board attached to the barque "William;" that is "The William, of New Orleans?"

A. It could not have been of New Orleans for this reason; when I took charge of the vessel in Key West, the register was in my name, and the title was in my name, but I do not know if we changed the name; the name "William" was painted on her, but I do not know whether it was of New Orleans or of New York.

Q. Was New Orleans painted on the board at the time you were at Port-au-Prince?

A. Yes, sir; because it was changed at Mobile.

Q. Was the barque "William" so situated at the time the authorities took those things off that a man could read from the wharf what was on the stern of the "William?"

A. Never; it was an impossibility.

Mr. BOUTWELL. When the "Ardennes" was taken possession of by the officers of the United States ship "Marion," did you state the other day that she was at a point 18 degrees west longitude, 7 degrees south latitude?

A. As far as I can remember, I stated here the other day that the trouble I had with the English man-of-war was in that longitude.

Q. Where were you intercepted by the "Marion?"

A. I gave myself away to the "Marion" right on the coast of Africa.

Q. How far from the mouth of the Congo river?

A. It was right in the mouth of the Congo river; I dined with Captain Brand.

Q. Did he dine with you?

A. No, sir; I dined with him.

Mr. ELDREDGE. The manacles which were put on the men at the time of their being taken off the vessel at Port-au-Prince, did they come from your vessel?

A. I had no manacles for the feet; I positively declare that I never had them for the feet; I had for the discipline of my crew about eight pairs of handcuffs, and that is all.

Q. Where did the manacles come from that were put on your men when arrested?

A. They came from the shore, and were brought by a vessel that started from the shore, and the men were afterwards put on board a sloop.

Q. Who furnished the manacles that were put upon you?

A. They were produced by the Haytien Government.

Mr. CASON. To get out of this trouble with the English man-of-war, why did you go the mouth of the Congo?

A. To give myself up, because there was an American man-of-war there, and I did not want to be troubled by the Englishman; I was steering on the other tack at the time, and I turned around and went back; I was going with the southeast trade-wind.

Q. Where were you going?

A. I was going to get up her longitude so as to tack back and reach the Canary Islands, where I was bound; this was in the 22d degree of latitude south; I had an easterly wind all the time; I was running toward the Continent of America when I was tackled by that ship; I then went on the other tack, to give myself up to the American man-of-war.

Q. Was it your intention at all to go up the Congo River?

A. No, sir; not at all; I was going on my regular sailing voyage.

Q. You were not intending to go to the Congo, or any where near there?

A. No, sir.

The Commission then adjourned to Saturday, January 24, 1885.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
THE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
WASHINGTON, *January 24th*, 1885.

Pursuant to adjournment, the Commission met at 10 o'clock A. M.

Present:

The Arbitrator, Honorable WILLIAM STRONG.

Messrs. CASON, MERRIMAN, ELDREDGE, and STANTON, Counsel for the claimant; and

Messrs. DE CHAMBRUN and BOUTWELL Counsel for the Republic of Hayti.

WILLIAM D. B. JANES,

a witness called on behalf of the claimant, after being duly sworn, testified as follows:

Examined by Mr. CASON:

Question. Where do you reside?

Answer. In the city of New York.

Q. How long have you resided there?

A. Permanently about 5 years.

Q. What is your occupation?

A. Shipowner, sailor, and shipmaster.

Q. How long have you been engaged in those occupations?

A. Since 1837.

Q. If you have been a captain and shipmaster, state at what time you engaged in such service, and also state your experience upon the sea generally.

A. I went to sea at 9 years of age, and I remained at sea for about four years; then I went on shore under indenture, and served my apprenticeship at ship-building; at 19 years of age I went back to sea, and at 20 I was a shipmaster.

Q. Continue up to the present time giving your experience.

A. Since that time I have been engaged in building ships, sailing ships, acting occasionally as special agent for the board of underwriters in questions where any intricacy occurred, such as losses, damage to ships, adjustment of losses, claims, etc., going occasionally down to the Gulf of Florida, where ships get into the hands of wreckers, to get them out; my experience has been very varied in all things pertaining to ships.

Q. How long have you been acting as captain of a ship?

A. About seven years; then I became owner; I have also been ship's husband for one of the largest line of steamers in the world—the Allen Line—running from Portland, Maine, and Montreal, Canada.

Q. State whether you have any acquaintance with the Caribbean Sea and the islands there located.

A. I have such acquaintance as all shipmasters who are competent to navigate ships have.

Q. State the time you first visited those seas and the islands there located.

A. About 1845.

Q. State whether, from that time up to the present time, you have had connection, more or less, with those islands in the navigation of those seas?

A. Since that period I have been more or less connected with the business; that is, in the West India business and with the Southern ports of the United States.

Q. Supposing you were a captain at sea, in command of a barque of about——

The ARBITRATOR. 215 tons and some hundreds is the registered tonnage of that vessel.

The WITNESS. That is a very small barque.

Mr. CASON. If the official registry tonnage is 215 tons, what would be the actual tonnage?

A. About 40 per cent. additional; that is the carrying capacity of an American-built vessel; the capacity of a vessel depends entirely on the material of which she is constructed; some vessels will carry 40 and some 60 per cent. over the registered tonnage; if a vessel is built of oak, then a foot of oak is supposed to weigh 60 pounds.

The ARBITRATOR. But the tonnage of a ship is the cubical capacity of a ship.

The WITNESS. There is no question about that, sir; but if one vessel is built of wood 60 pounds to the foot, and another only 30 pounds to the foot, the one that is 30 pounds will carry much more dead weight, because the material of which the vessel is constructed gives her a larger or smaller carrying capacity.

The ARBITRATOR. You are speaking of weight. I do not see how more cubical feet can be put into a certain space than what it measures.

The WITNESS. Well, there are 40 feet to the ton.

Mr. STANTON. If your Honor please, the witness, I think, is drawing a distinction between the actual carrying power and registered tonnage. He says the carrying power is about 40 per cent. above the registered tonnage.

Mr. CASON. Supposing you were a captain at sea, in command of a barque—for instance, the barque William—of about 215 tons register, and being at Carthagena, in New Grenada, between the months of November and March, and desiring to go up the coast 100 or 150 miles to Rio de Hache, what would be the proper way and manner of navigating your vessel so as to make that place in the easiest and best way?

Mr. Boutwell. One word before the witness answers. I think that the witness ought either to state that he has been over that water in that season of the year, and under circumstances which would enable him to form an opinion, or that he has studied the subject scientifically, neither of which things has yet appeared.

The Arbitrator. It does not appear yet that he has had sufficient experience to be able to speak as an expert in regard to the condition of things at Carthagena. Counsel asked him as to his knowledge of the Carribbean Sea.

Mr. Cason. I have no objection to continuing the examination, but I thought it would only take up time.

Q. State what knowledge you have of Carthagena and the coast about Carthagena, and go on and state what study you have given to the navigation of the seas about Carthagena, and from there to Rio de Hache?

A. I am competent to take a ship wherever she will float on the face of the earth.

The Arbitrator. Were you ever at Carthagena?

A. No, sir.

Q. State if you have given any study to the navigation of a vessel about Carthagena.

A. I have given the necessary study to obtain a shipmaster's certificate.

Mr. de Chambrun. The witness proves that he has not navigated those seas.

The Arbitrator. They have a right to find out what scientific knowledge he had.

The Witness. I have given the necessary study to enable me to obtain a shipmaster's certificate.

The Arbitrator. What is that study?

A. A thorough knowledge and acquaintance with navigation.

Q. Do you know anything about the winds at Carthagena?

A. There is no special wind there except at certain seasons of the year, and those winds are learned from the rules and

laws laid down for navigating the ship; I know nothing beyond the fact that I have been able to pass as shipmaster; I do not profess to have lived in Carthagena any more than I have lived in India or South America, but I am competent to take a ship there when I get my orders to go.

Mr. CASON. Supposing you were a captain at sea in command of a barque of about 215 tons register, and supposing you desired to take the vessel from Carthagena, in New Grenada, to Rio de Hache, with the wind blowing off shore in the night-time, and in the daytime from the northeast heavy gales, in what manner would you navigate your vessel to arrive at Rio de Hache in the best way?

A. So long as my ship was seaworthy I would keep the shore, hugging the land, and take advantage of the wind off the land when I had smooth water.

Q. Suppose this wind should blow off land in the night-time and on land in the daytime, in what way would you navigate the vessel?

A. During the night I would take advantage of the wind, and when it came on a blow during the day I would come to.

Q. What do you mean by coming to?

A. To anchor.

Q. Supposing you were out one or two days from Carthagena, and you should come to anchor with your vessel in the daytime for the purpose of waiting for the night land breeze, and suppose your main bower anchor should part and you should lose that anchor, what course would you afterwards pursue in regard to navigating your vessel?

A. I would stand off shore.

Q. What would you do in relation to coming to anchor after having lost your right bower anchor?

A. If I had no other anchor to substitute, I would stand off and give the shore a wide berth; in other words, I would get into sea room.

Q. With the wind as I have stated at Carthagena, what course would you sail?

A. The wind how?

Q. From the northeast.

A. I would fall off about 6½ points.

Q. Where would that carry you to?

A. That would carry me way out somewhere in the vicinity of Jamaica.

Q. After leaving the point where this vessel lost her main bower anchor, and you should tack north to a point about 17 or 18 degrees north latitude, and the wife of a passenger owning freight on board and bound to Rio de Hache——

Mr. De Chambrun. We object to this question.

The Arbitrator. Let the question be put.

Mr. Cason. I am assuming the facts to be true hypothetically; I am not stating they are true.

Q. Now, should it be found after leaving the point where the vessel lost its main bower anchor that you are tacking north to a point 17 or 18 degrees north latitude, and the wife of a passenger owning freight on board, and bound to Rio de Hache, should become sick (she being pregnant with child) by the motion of the vessel bringing on pains or other symptoms of miscarriage, and on account of which the said passenger should demand and exact of the captain that his wife, himself, and freight should be landed at Kingston, Jamaica, or the first port that could be reached, what would be the duty of the captain in such a state of facts?

The Arbitrator. I do not think that is a question for an expert.

Mr. Stanton. Would it not be proper for us to prove that under those circumstances, the circumstances suggested in this question, and which we have proved in the way we have been best able, and proved by witnesses who have testified to those facts, should it not be in our power to prove that the conduct of the captain under these circumstances was proper?

The Arbitrator. That, I think, you must leave for my inference. I cannot take his opinion on that point. It would

be like a witness usurping the functions of a jury. I am sitting as a juror in this case as well as judge.

Mr. ELDREDGE. Supposing all that question about the wife was left out, and the passenger desired to go to Kingston, Jamaica——

The ARBITRATOR. You can ask whether it was proper navigation for a person, under the circumstances in which he was after putting out for Carthagena, when he lost his right bower anchor, and having northeast winds by day and winds off shore by night, whether it would be proper navigation for him to stand away 8 or 9 hundred miles to the northwest. You may ask that question.

Mr. BOUTWELL. Has he not already answered that question?

The ARBITRATOR. Substantially; but it can be put.

The WITNESS. I should endeavor to reach the port of destination by making a short leg, standing off from shore, so that when I went about the next leg, the long leg, would lead me to the point to which I wished to go.

Mr. CASON. How far would that take you in that condition?

A. I would have to make make my calculations; it would depend very greatly upon the winds and currents. I would have to make the short leg sufficiently long to enable me when I went about, taking into consideration the winds and currents, to reach the point of destination; that is a question that I would have to decide; the short leg will carry you off shore, and coming back with the same wind you get the long leg, or, I may state it, you would have a long reach and a short reach; the question for the master to decide is how far he would be required to stand off so that when he put about he would be able to reach his point of destination.

Mr. ELDREDGE. Would not that depend on the winds and currents?

The ARBITRATOR. Undoubtedly, on the winds and the currents and the distance of the point you wished to reach.

Mr. STANTON. Just state whether, under the circumstances suggested in making that offing the short leg, it was unreason-

able to have gone to the position stated in the neighborhood of Jamaica.

The ARBITRATOR. That question is subject to the same objection.

Mr. BOUTWELL. The first thing for the master to know was the strength of the wind that he had to contend against. Now, the question is here asked without having first introduced that element as a basis on which the question must depend.

Mr. CASON. State what chart that is, (pointing to charts upon the table.)

The WITNESS. The charts of the Gulf of Mexico and islands therein; the island of Jamaica and others.

Mr. DE CHAMBRUN. Before proceeding further I wish to call the attention of your honor to this point. This is a sort of discussion on a theoretical question, for it is shown by the witness himself that he has not navigated in those waters and when it cannot be proved that he is an expert so as to pass upon those questions, it is mainly a discussion about a subject which cannot carry any weight or become a part of this case.

The ARBITRATOR. I am disposed to allow the examination to proceed. I am quite aware of the fact that the opinion expressed by the witness has not the weight that it would have if he were better acquainted with the coast adjacent to Carthagena. If, for instance, he had been there, or if he could state precisely the strength of the winds and the nature of the currents, if he could state precisely what these were at the time the bark was there, of course his testimony would have much more weight than it has now.

Mr. STANTON. We are assuming that the wind was as we have proved it was by the witnesses.

The ARBITRATOR. You have proved that it was a strong northeasterly wind, but how strong you have not shown. It seems to me that the testimony is not very weighty.

Mr. CASON. I now ask the witness to take that chart and state just what ports of this gulf he has navigated, and where

he has been; just state what you know about those things, giving as full a statement as you can.

A. The only experience I ever had is in the island of Jamaica. I have never been there as master, but only as mate and carpenter of the ship.

The ARBITRATOR. Have you ever been on this coast down here, the coast of New Grenada?

A. No, sir.

Q. Have you ever been at Port-au-Prince?

A. No, sir.

Q. Have you ever been at Cienfuegos?

A. I have been around the island.

Mr. CASON. How often have you been around the island of Cuba?

A. Four or five times.

Q. Is there any other point in those seas that you have visited?

A. No, sir; I have been through the Gulf of Florida very many times.

Mr. STANTON. Point out Carthagena and Rio de Hache on that map.

A. Here is Carthagena. (Pointing.)

Mr. CASON. What are those charts?

A. They are charts of the Carribbean seas, the Gulf of Mexico, and the West India Islands.

Q. What are they used for?

A. To guide a ship-master in his duty.

Q. Are those the usual charts that ship-masters have and use upon their vessels?

A. Yes, sir; these charts are authorized by the governments of France, United States, and Great Britain.

Q. Now, take Carthagena and point out the way the currents run about there.

A. The chart shows that; here are the currents, (pointing.)

Q. Is there any indication of winds there?

A. The winds at the time are supposed to be——

The ARBITRATOR. At what time?

A. At the season of the year in which this ship was there.

Q. What season was that?

A. In the month of January or February, some time between November and March; the winds are divided into four seasons; I merely wish to illustrate what I would do.

Mr. ELDREDGE. That is, what would be good navigation?

The WITNESS. Here is where the ship is supposed to be, (Carthagena,) and here is where she wants to go, (Rio de Hache.)

Mr. DE CHAMBRUN. He has never been there; he says himself that he has never been there, and he don't know the time of the year when those facts transpired.

The ARBITRATOR. I will stop him when I think he is transgressing.

A. Supposing the wind to be from the northeast to east-northeast, and here is Carthagena where the ship is, I would fall off six points and stand out here, (toward Jamaica,) so that when I went about I would have this long leg to carry me to Rio de Hache.

The ARBITRATOR. You have stated that already, substantially.

Q. Here is Rio de Hache, about 100 or 150 miles from Carthagena; supposing you wanted to reach that point, and you stood off from the shore to the neighborhood of Jamaica, and you finally reached Grand Caymen.

The ARBITRATOR. Then you have the question whether it was necessary to go 900 miles, for it was very nearly 900 miles.

Q. State whether such tacks as that are commonly made by sailing vessels.

The ARBITRATOR. He said he knows nothing about the currents or the forces of the winds.

Mr. CASON. Have you any books that show this?

A. Yes, sir; I have the sailing guide for the Gulf of Mexico, (producing book.)

Q. Is that book used by shipmasters in guiding them in sailing, and is it reliable?

A. It is as essential as the chart itself.

Q. Is it reliable?

A. Yes, sir.

Mr. ELDREDGE. And this you say is the recognized chart of the three nations?

A. Yes, sir.

Q. And captains and sailors of those nations use this chart?

A. Yes, sir; these are the most correct and elaborate, but there are smaller charts.

Mr. CASON. I was going to ask him about Grand Caymen, for the purpose of connecting the vessel with that place.

Mr. STANTON. State whether it would be reasonable or unreasonable, under ordinary accidents and the probable condition of the weather, if a vessel should find itself on that tack in the neighborhood of Jamaica.

The WITNESS. Well, you were standing off toward Jamaica all the time.

Q. Whether there is any other practical way of reaching Rio de Hache, except to make that long offing with your right bower anchor gone?

A. There is no other way; there is only the one way to go; it is only by water communication, and you have to go where the winds and currents carry you, so as to enable you when you go about to have wind sufficient to carry you to your port of destination.

Q. I wish to ask whether, under ordinary accidents and the probable condition of the weather, it might not be possible or probable that you would be carried near or beyond Jamaica, so as to be obliged if you wished to make any port at all——

The ARBITRATOR. I think that is going a little too far, talking about probabilities; I allow him to state what, in his judgment, is good navigation.

Mr. STANTON. We are basing these questions upon the testimony already given as we understand it. The testimony is

that the winds were so heavy and continuous that he was necessarily carried in the neighborhood of Jamaica, and so far away from that as to be under the necessity of going to Grand Caymen, if he was going to land at all without going back to Rio de Hache. Now he is asked whether that would not be one of the ordinary accidents of navigation, whether it might not be possibly or probably so under the condition of the winds as described in the testimony.

The ARBITRATOR. Well, let him answer the question.

The WITNESS. You are asking as to the possibility of the vessel standing on this tack. Well, you are approaching Jamaica all the time—that is, making the short leg.

Mr. STANTON. But I ask you whether, with the winds and currents which are represented to have existed at that time, it was not very natural that he should be carried where he was, beyond Jamaica, so as to be obliged to go to Grand Caymen?

A. There is no iron-clad rule to be laid down for any master; the master of the ship must be the judge of that himself at the time, and under the circumstances existing; there is no rule that any living man can lay down; if it were otherwise there would be no necessity for a shipmaster, for all the sailors would be shipmasters.

The ARBITRATOR. That I have supposed to be the exact fact, and therefore it seems to me that this line of examination is not very useful, notwithstanding I have allowed it to proceed.

Mr. CASON. Have you studied and examined that book carefully—that is, the sailing directions for the Gulf of Mexico and the West India Islands?

A. Not very recently.

Q. Have you ever studied it?

A. Yes, sir.

Mr. ELDREDGE. You are familiar with its contents?

A. Some parts of it.

Mr. CASON. But the parts we are speaking of now, have you examined it so as to know the nature of its contents?

A. Yes, sir.

Q. Now, supposing a contract is made by a passenger with the captain of a bark, as I have heretofore named, at Carthagena, in New Grenada, agreeing that the captain should carry such passenger, his wife, child, servant, and certain freight, consisting of matting, corn, tobacco, and soap, weighing not to exceed 5,000 pounds, the said persons and freight by said contract to be carried from Carthagena to Rio de Hache, between the months of November and March, for the sum of $500, and considering the hazards, if any, in making that port at that time of year; the course, distance, and all other matters connected therewith, would the contract be a fair and reasonable one, or unfair and oppressive?

Mr. DE CHAMBRUN. Of course the question is objected to, since it is shown that the witness has not been on those seas and has not navigated between the above stated ports. He cannot state what is the actual charges for a trip and the transportation of merchandise, such as is stated in the question.

The ARBITRATOR. It is open to the objection that it is a mere matter of opinion of a person who has no peculiar knowledge on the subject. Still, you may put the question.

The WITNESS. I should think it was a fair and square honest transaction, simply because it was entered into by the mutual consent of the contracting parties.

The ARBITRATOR. You do not know anything about the amount of freight?

Mr. CASON. I stated, your honor, that it did not exceed 5,000 pounds, and that there were four passengers.

Q. Supposing a passenger should make the request and demand I have heretofore named of the captain, that himself, his sick wife, child, servant, and freight should be landed at Kingston, Jamaica, or at the first port that could be reached by said vessel, instead of going to the port of Rio de Hache as mentioned in the last question; what part, if any, of the money for the passage and freight, according to the rules and customs of charging for passengers and freight in such vessels,

in the way I have mentioned, would be justly due from said passenger to said captain at Georgetown, Grand Caymen?

A. It is a well-established law that the freight is due the moment it is delivered.

Q. But where the captain would be required to land the party at a port not the port of destination?

A. It is a question of contract between the parties, the cost of going there, the time it would require to go back to the place from which she bore away, &c. It is a question that no living man can judge but the captain himself.

Q. Supposing the passenger I have heretofore mentioned, on the presentation of the bill by the master, is unable to pay for passage and freight on arriving at Grand Caymen the sum of $500, and supposing $250 should be paid subsequently to carry the passenger, wife, child, and servant to Kingston, Jamaica, under the rules and customs for collecting freight and charges for carrying such persons and freight in the manner heretofore stated on such vessels, would the requirement by the captain, upon it being found that said freight could not be sold at private sale, that it be put up at auction, be a reasonable and fair mode of collecting, or an unjust and oppressive one at the place above mentioned?

Mr. de Chambrun. I object, on the ground that that is a question of law, and it is not known that the witness is an expert in these matters.

The Arbitrator. Well, I will not stop the examination. If the contract was fair to pay $500 to deliver Cortez and his family and freight in Kingston, Jamacia, I hardly think it will be contended by anybody that if Cortez was unable to pay, in order to relieve the cargo from the lean, it was an unfair thing to provide for a public sale of the property.

Mr. Boutwell. We make no point about that, and never shall.

The Arbitrator. I think this examination rather superfluous.

Mr. ELDREDGE. It appears here that all this was done by agreement.

Mr. CASON. Look at the chart before you and state whether it was probable, in your opinion, that the bark William could have made Rio de Hache from Carthagena, and subsequently, whether she could probably have made Jamaica in the condition of the vessel and under the circumstances that have been stated to you in the question heretofore asked. For instance, the loss of an anchor, and having to make the tack I have stated.

A. Well, she had a fair wind to the one and a head wind to the other. She had a fair wind to Grand Caymen, while she had a head wind to Rio de Hache.

The ARBITRATOR. But could she have reached Rio de Hache?

A. O, certainly; at a risk.

Q. In what way?

A. She would have been obliged to beat to windward.

Mr. CASON. Could she, with the loss of an anchor, go directly up from Carthagena to Rio de Hache?

A. She might have gone up with the chance of losing a second anchor and going ashore. It would not be prudent for a master to trust his vessel with one anchor along such a shore as that.

Q. Suppose now the vessel is west of Jamaica and beyond the point of reaching Jamaica, could he have tacked back to reach Jamaica, or would Grand Caymen have been the port to reach?

A. Yes, sir.

Q. Now, supposing that the barque William sailed from Georgetown, Grand Caymen, for Port-au-Prince on the evening before Christmas, the wind being northeast, what would probably be the first land the vessel would reach on the usual tack in sailing from Georgetown at that time?

A. Cuba.

Mr. DE CHAMBRUN. Of course, we object to this question.

The ARBITRATOR. It is understood that your objections are noted.

Q. What particular part of Cuba would be likely to be reached?

A. That would depend on the strength of the winds and of the currents. That is, upon a combination of circumstances which no man can foresee.

Q. Would she be likely to reach Cienfuegos?

A. Yes, sir.

The ARBITRATOR. You will remember you are asking these questions of a man who was never at Port-au-Prince.

Mr. CASON. But he was around the coast of Cuba.

Q. What rule is there, if any, for captains of sailing vessels in the merchant marine, for carrying handcuffs; about what number is generally carried?

A. Two for each sailor; double irons; a vessel that has 7 men would have 14 pair; a vessel of 10 men would have 20 pair.

Q. Now look at the chart before you and at Man-of-War Bay, in Grand Inagua, and state what would be the natural course of a vessel that has lost her false keel, the rudder hanging by the upper pintal, the masthead sprung, the instruments so spoiled that no reckoning could be taken—all this in the month of March or up to the 5th day of April—what would be the probable drift of the vessel from the point of departure?

A. The direction of the vessel would be affected entirely by the wind; the ship is no longer in a condition to contend with the elements; the elements take possession of her; she is subject to the action of the elements rather than to the action of the captain; she will be carried to a great extent by the action of the currents and the wind; she is unmanageable if the topmast is gone and the rudder is hanging by the upper pintal; she steers herself.

Mr. BOUTWELL. Before taking a recess I wish to say to your Honor that I was not present when Mr. Randall was examined, and I would like to have him brought here, as I would like

o ask a few questions of him; he lives in the city, I under-
tand.

The ARBITRATOR. He can be brought.

The Commission then took a recess until 2 o'clock P. M.

The Commission reassembled at 2 o'clock P. M., and the
xamination of Mr. JANES was continued.

Mr. STANTON. Will you look at that map, and say what
vould be the proper route of a vessel starting from Port-au-
Prince to New Orleans; I mean the most direct route?

A. If I were in command of a vessel I should go out by St.
Mark's channel, passing between Cuba and Hayti, through
vhat is known as the Windward channel.

Q. Where then?

A. I would pass then through that into the Gulf of Mexico,
ccording as the wind would be most favorable or advantage-
ous.

Q. Which way would that be?

A. That would depend on the direction of the wind; I
hould be guided entirely by circumstances which side of the
sland I would pass; I am speaking now of the island of In-
gua; I would pass on either side of the island, as the wind
vould be most advantageous to me.

The ARBITRATOR. By what route from that island would
ou go to New Orleans?

A. I would pass right out to sea, going through Marguerite
assage.

Q. Have you ever been that way?

A. No, sir.

The ARBITRATOR. Would not this other be the best route, as
t is the most direct one?

A. No; because it is too intricate; the direct course is
illed with shoals and islands.

Q. But if the wind were northeast, would not passing up
the way you describe be the most difficult?

A. No, sir.

Q. But, certainly, if you were passing out in the way you describe you would be going against the northeast wind.

A. O, yes, sir; I cannot lay down any direct action without knowing how it would be affected by the winds; no shipmaster can sail an imaginary ship; you have to be guided by circumstances you cannot control.

The ARBITRATOR. Can you state what is the ordinary route from Port-au-Prince to New Orleans?

A. No, sir; I cannot.

Mr. STANTON. It would be most desirable to get into the open sea, would it not?

A. Yes, sir.

Q. Now, suppose this vessel to have put in Man-of-War Bay, in the island of Inagua, and the captain having determined, for reasons satisfactory to himself, not to go to the Haytien part of the island of Hayti, but to make the first port for the purpose of making repairs, and endeavors to reach Port La Platte, which route would he take from Man-of-War Bay?

A. That would depend upon the condition of the ship.

Q. Well, with the ship in the condition already described, false keel gone, rudder hanging by the upper pintal, the topmast sprung, and without chronometers?

A. He must go the way the wind would take him.

Q. But suppose he has determined from consideration not to return to the Haytien part of the island, but to reach, if he can, the Spanish part of the island of Hayti, starting from Man-of-War Bay, which way would he go?

A. He would pass out the channel between Little and Great Inagua.

Q. Would that put him in the neighborhood of the banks of Caico?

A. Drifting might put him there.

Q. In endeavoring to get to La Platte from that point, with the wind northeast and the current against him, would it be

kely that his vessel would be seen from Point Haytien or Tortuga island?

A. If he was within 15 or 16 miles she could be seen.

Q. Would it be likely to be?

A. No, sir; he would probably be distant it might be 90 miles, and 20 miles distant you cannot distinguish the hull of a vessel.

Mr. de Chambrun. All this is objected to.

Mr. Stanton. Now, trying to get to Port La Platte, would he be likely to drift on this coast?

A. Yes, sir; undoubtedly; she is a wreck in a certain sense, and a ship must necessarily go where the winds and currents take her.

The Arbitrator. If the current and the wind were northeast, the vessel must necessarily go this way; now, if she drifted to Fort Liberté would she be visible from Port Haytien?

A. No, sir; I do not think she would; on a very bright clear day you can spe an object 20 or 21 miles distant, if you secure the proper elevation; but on an ordinary day you can only see it at about 18 miles; the hull of a vessel can be distinguished only about 15 miles.

Mr. Eldredge. You mean without a glass?

A. O, certainly.

The Arbitrator. But that depends upon the elevation of the point where you stand.

A. Yes, sir.

Mr. Stanton. How is the land about Port Haytien.

A. I do not know, sir.

Q. How far is it before the rotundity of the earth conceals the hull of a vessel from another vessel?

A. About 17 miles on a clear day; you can see the upper work only from 17 to 20 miles, except in the case of a mirage; now, if you were on the masthead of one ship you can see the hull of another vessel about 24 miles away on a clear day; the atmosphere has everything to do with it.

Mr. STANTON. When a vessel starts out in a cranky condition from such a port as Port-au-Prince on a voyage to New Orleans, and finds herself cranky for want of ballast, would it be prudent and proper to put into a port for the purpose of getting ballast?

A. That is clearly the duty of the master, who is responsible for his ship and crew.

Mr. CASON. In nearing a coast where you desired a pilot, state what flags are necessary or requisite to call a pilot, and where such flags should be placed if at all used.

A. At the foremast head.

Q. In nearing a coast where you desired a pilot, state what flags are necessary.

A. A signal from the foremast head is the usual signal for a pilot; it is immaterial what the flag is so long as it is floating there.

Q. Would a flag floating at that place of any kind be regarded as a national flag?

A. Not at all, sir.

Q. State the usage and custom of using flags on the high seas and on entering the ports of foreign countries, and also when the vessels may be lying in the ports as required in the marine service?

A. The usual way of using flags is, first, the nationality of a ship is visible at her peak; on entering a foreign port, for instance, New York, (and this can be seen every day in the week,) the United States flag would be found floating at the masthead of a Dutchman, German, French, English, Spanish, Prussian, Portuguese, in fact any steamship or sailing ship, but every day steamers can be seen with the flag floating at the peak; it is a matter of etiquette on the part of a shipmaster to show the flag of the nation into whose port he is entering at the foremast head.

Q. Supposing a man is born in France, is naturalized in America, and is commanding an American vessel, would it be

anything unreasonable or improper in him to fly the French flag?

The ARBITRATOR. I cannot permit that question in that form; you can ask him what would be the usage.

Mr. CASON. Well, state what the usage is.

A. I have seen a hundred times a French-Canadian showing the French flag at the foremast head and the British ensign at the peak.

The ARBITRATOR. On an American vessel?

A. On a British vessel.

Mr. CASON. Have you seen anything of that kind on an American vessel, showing the country where the captain was born by the flag at the foremast head, and the flag of this country at the peak?

A. Except the case which I have spoken of, the French-Canadian, I never paid any special attention to the matter. That I have seen a hundred times.

Mr. ELDREDGE. On entering harbors?

A. Yes, sir; I think I have seen that in the port of New York not later than six weeks ago.

Mr. CASON. Supposing a vessel entering a port not open to commerce, in a country not recognized by this country, would the vessel be required to use any flag other than that to call a pilot; and, if necessary, would the vessel be required to show or report her papers?

Mr. BOUTWELL. That is a question of international law.

The ARBITRATOR. That cannot be proved in this way by such a witness.

Cross-examined by Mr. BOUTWELL:

Q. You stated that it was the rule on merchant vessels to take two sets of handcuffs for each sailor on the ship. For instance, if she were manned by ten men she would carry 20 pair of handcuffs?

A. I meant irons.

Q. How do you distinguish between them?

A. The shackles used for the feet are somewhat different from those used for the hands.

Q. Well, what do you mean to say as to the number of handcuffs for a vessel with a crew of ten men?

A. Well, there would be six sets of handcuffs and six sets of irons.

Q. You were misunderstood then when you were supposed to have said that a crew of ten men would take twenty pair of handcuffs?

A. If I said so I made a mistake; you do not usually carry handcuffs to put on the captain and mate; the officers of the ship are considered different from the crew.

Q. How many years in all have you commanded vessels?

A. Probably seven years after I commenced to command a ship.

Q. What year was it that you had your last command?

A. In 1851.

Q. What was the name of the vessel?

A. John Munn.

Q. What was her tonnage?

A. About 630 tons.

Q. Who were the owners?

A. James Dean & Co.

Q. What was her voyage?

A. From Greenock, in Scotland, to Mobile, and thence back to Liverpool.

Q. Was she an English ship?

A. Yes, sir.

Q. You say you commanded her?

A. Yes, sir.

The Arbitrator. Are you an American citizen?

A. No, sir.

Q. What other vessel did you command?

A. The Roland Hill.

Q. Where was she owned?

A. In Glasgow.

Q. What other ship?

A. The Polly, of Quebec.

Q. You stated that you have seen 50 vessels commanded by French Canadians carrying the English flag at the peak and the French flag at the fore?

A. Yes, sir; it is an every day occurrence.

Q. Where did you see that?

A. In the St. Lawrence.

Q. That was in their own domestic ports?

A. Yes, sir; except three weeks ago or so, I saw a case in the port of New York.

Q. Do you know whether the Dominion of Canada has a flag independent of the British flag?

A. She has.

Q. Was not the French flag you speak of the flag of the Dominion?

A. The Dominion flag is as different from the French flag as the British flag is from the American.

Q. Have you sailed a vessel in any water where there was a land breeze by night and a sea breeze by day?

A. Yes, sir; in Jamaica.

Q. On which side?

A. On the south side.

Q. Did you make the coast trip?

A. Well, we carried the cargo in boats along the coast, which is called drogging.

Q. Did you sail the vessel?

A. I was carpenter and second mate.

Q. Well, was the vessel sailed on the coast when there was a land breeze by night and a sea breeze by day?

A. No, sir.

Q. Do you know the cause of the land breeze by night?

A. The wind coming off shore, I understand, is due to radiation or the cooling of the air on the land.

Q. Has the body of land, in your opinion, anything to do with the force of the wind by night?

A. The difference, as I understand, is due to the evaporation of the water during the day by the action of the sun, and the moment the sun goes down a change takes place in the atmosphere that creates a current of air from the land to pass in and fill up the space left.

Q. Would it be practicable, taking the coast from Carthagena to Rio de Hache, as you understand it, to sail a vessel by day, cutting the wind at the sharpest angle you could, and by night changing your course and availing yourself of the land breeze by night, and the next day tack again and so keep near the shore and have the benefit of the land breeze?

A. Yes, sir; provided the breeze was not too heavy during the day.

Q. Then you could avail yourself by night of the land breeze?

A. Yes, sir.

Q. You have given an opinion as a sailor, so I dare say your judgment is worth something; taking the statement which you have made, and assuming that a vessel from Carthagena bound for Rio de Hache, and the master intent upon making the port of Rio de Hache, would it not be a wise thing to tack during the day and then by night tack again, and use the land breeze and work up in that way?

A. Always, to the best of my judgment, provided that the gale during the day is not too strong, because, as a rule, the wind is on the shore.

Q. If it were possible to keep in the eye of the wind so as to make Grand Caymen, you could make that same angle on the line of the wind 20 miles out, could you not?

A. Yes, sir.

Q. That is, under the same circumstances?

A. Yes, sir.

Q. If you could take the line of Grand Caymen, you could run out 20 miles during the day and then tack during the night, and gain some distance?

A. But remember that 20 miles is a very short distance.

Q. I do not mean necessarily 20 miles; I mean to tack every day.

A. You would affect, probably, in the course of time, the making of one short and one long leg; but you could accomplish the same thing with less work and less danger.

Q. But if you did not tack towards Rio de Hache, you could not make it?

A. Certainly.

Q. Now, look at this map, which shows Carthagena and a point near by called Point Canoas; can you tell by your scale what distance that is from Carthagena?

A. About 20 miles.

Q. Assuming that a vessel leaving Carthagena for Rio de Hache should, at Point Canoes, lose an anchor, and assuming also that it was the purpose of the master to go to Rio de Hache, and assuming also that another anchor could be obtained at Carthagena, and that the commander of the vessel had abundance of means in the way of specie to pay for an anchor, would you not think it advisable to return to Carthagena?

A. That would depend entirely on the captain's judgment.

Q. I ask you for your judgment?

A. I should be guided entirely by circumstances.

Mr. Boutwell. But I have stated the circumstances.

The Arbitrator. It is not a good question. I do not think it is proper. I would like to know if a vessel was here at this point, (Canoes,) 20 miles off, with the wind from the northeast, it would not have been a convenient wind to put back to Carthagena?

A. Yes, sir, certainly; provided the captain so desired.

Mr. Boutwell. What is your present business?

A. Shipowner.

Q. In the city of New York?

A. I have just sent away a new ship; yes, sir; in New York.

Q. What voyage is she bound on?

A. To Java, with a cargo of oil.

Q. Are you owner of that ship?

A. Yes, sir; sole owner.

Q. What is she?

A. A wooden ship of 825 tons.

Q. What was her cost?

A. About $45,000; she is a soft-wood ship.

Q. Supposing she were made of hard wood?

A. She would then cost about $60.00 a ton.

Q. Is she copper-bottomed and with copper fastenings?

A. Yes, sir; and she can carry 20 per cent. more than a hard-wood ship.

Q. What was the cost of wooden vessels from 1850 to 1860; how did the prices compare with the prices at the present time?

A. The prices at present are about half.

Q. It would have cost, then, $70.00 a ton?

A. Yes, sir; $100 a ton for an American-built ship.

Q. Was timber worth any more then than now?

A. Labor was worth twice as much, and $\frac{5}{8}$ of the cost of a ship is the labor.

Q. Is labor lower than it was between 1850 and 1860?

A. Yes, sir; you could get a carpenter now for $1.25 a day; that is, for the last 8 or 10 months.

Q. How was it 10 years ago?

A. Carpenters were getting about $3.00 a day.

Q. But between 1850 and 1860?

A. $4.50 a day.

Q. For shipcarpenters?

A. Yes, sir; a hard-wood ship built in those times would cast about $95.00 or $100.00 a ton; the same ship can be built now for $55 or $60 a ton; I mean a ship with a white oak frame; but such a vessel will not carry within 20 per cent. of a soft-wood vessel.

Q. I wish you would explain whether you mean that there would be more space on the vessel, or whether, in consequence of the lightness of the material she would carry more weight?

A. You have it; it is on account of the lightness of the material; the weight of the hull itself is a part of the carrying capacity.

Q. Now, supposing a vessel is at Man-of-War Bay, disabled there, and does not mind her rudder, but drifts; where, from your knowledge of those seas, would the vessel go?

A. That would depend on how the wind is; the vessel will go just according to the wind and current; if the current is stronger than the wind the current will take her.

Q. You cannot say, then, where she will go?

A. Not unless I know about the wind and the current; the vessel in the condition you have described is helpless, and she must go where the wind will take her; if you are in plenty of sea room you can get her to windward, if you can navigate her.

Q. Have you any pecuniary interest in the result of this proceeding against the Government of Hayti?

A. Not a dime, sir.

Q. Are you not interested in it in any way; have you not made advances?

A. I have; yes, sir; I have loaned some money.

Q. Relating to this claim?

A. No, sir; it has nothing to do with this claim.

Q. What do you mean?

A. I mean it has relation to some Mexican business.

Q. And not in relation to this?

A. No, sir.

Q. Have you not taken an assignment?

A. Yes, sir; I have taken a small collateral security.

Q. If this claim should not prevail you would have to look to some other source, then, for your pay?

A. No, sir; because I have abundant security here besides.

Q. Then you did take an assignment of some portion of this claim?

A. Yes, sir.

Q. What amount of this claim have you an assignment of?

A. A very small amount.

Q. Never mind; I ask you how much?

A. $50,000.

Re-examined by Mr. CASON:

Q. I would like to ask you whether you have not ample security outside of this matter?

A. Yes, sir.

Mr. BOUTWELL. We will admit that for this purpose.

Mr. CASON. We do not ask you to admit it, nor is it necessary to interrupt me.

Q. If you should start from Carthagena and lose an anchor, but have plenty of provisions, would you put back to Carthagena or run a long tack?

A. I would run a long tack to try and reach my destination.

Q. What do you mean when you use the word crew?

A. I mean the men who work before the mast; officers are never counted in the crew; the crew is the number of men before the mast.

Q. Supposing you had eight in the crew, how many handcuffs would you take?

A. Eight sets for the hands and eight sets for the feet.

The ARBITRATOR. How could you get eight men handcuffed?

A. There is no trouble in putting them in irons.

The ARBITRATOR. But supposing the eight men mutinied?

A. That is what the irons are for; the officers would handcuff them.

The ARBITRATOR. But could the officers handcuff eight men?

A. O, no, sir; in that case they would shoot them down.

Q. Then it is not necessary to have a pair of handcuffs for each man?

A. Well, in a case of this kind: Suppose two or three should mutiny one day and two or three to-morrow; in that case it would be necessary.

Mr. CASON. What is the usual custom as to handcuffs; for

instance, if there are eight men in a crew, how many handcuffs would you take on board?

A. A set of irons for each man.

Q. On leaving Carthagena and losing your anchor at Point Canoes, supposing there should be heavy gales, would you consider it advisable to tack during the day time and tack back at night?

A. It would not be prudent to go near the shore at all; the object in taking the tack is to get clear of the shore and to get into sea room.

Q. What is the difference between the trade winds at Grand Caymen and the trade winds at Carthagena?

Mr. DE CHAMBRUN. This question is objected to. The witness has shown that he has not been in those waters.

The ARBITRATOR. I cannot see how he can know that.

Mr. CASON. As a scientific man he might know it. It is not necessary that he should experience personally everything that he is called upon to testify to. He has studied these charts and this book, and I think they furnish him with the information.

The ARBITRATOR. Well, I feel disposed to allow the largest liberty in this examination, and I will permit you to put the question.

Mr. CASON. Captain, I understand one object in taking this tack was to get where the trade winds are not so strong.

The ARBITRATOR. Why, are the trade winds weaker at Carthagena than at Grand Caymen?

Mr. CASON. O, no, sir; they are weaker at Grand Caymen.

The ARBITRATOR. Well, he can hardly state what the exact difference is in the force of the trade winds.

Mr. CASON. State your experience in making headway at different times; how you have been interrupted by headwinds in making short distances.

A. I never paid sufficient attention to that sort of a thing; as a rule, my sailing has always been on short voyages and in lots of sea room.

Q. Supposing the wind is against you and you have to tack, state the experience you have had under such circumstances in arriving at your point of destination.

A. In beating up a gulf or inlet where there is little room it is a very tedious matter, and requires a great deal of time; there is a great deal of time lost in putting the ship about.

Q. Give your experience, for instance, in making 15 or 20 miles.

A. I can give you nothing special.

Mr. ELDREDGE. In answer to Mr. Boutwell, with reference to the attempted sailing at night and in the day-time, you remarked that it would be dangerous; what is the danger you refer to?

A. A heavy gale of wind might blow me ashore; the moment, for instance, you get near the land you might attempt to put your ship about; now, there is what is called among seamen, missing stays; sometimes, for instance, the jump of the sea will throw a ship off, and instead of coming around she would go back, and before you could get the ship's head right you would find yourself ashore; this is the reason why the hugging of the shore might be very dangerous; the danger lies in tacking the ship.

Q. Then you say that the danger is in being blown ashore?

A. Yes, sir.

Q. The disabled condition of the ship would make the liability to go ashore greater or less?

The ARBITRATOR. The danger, of course, depends upon the condition in which the ship is. In the case we have before us there were several anchors. If the keel was lost and the rudder was suspended by a single pintal, of course the danger would be greater. But it seems to me that the mere loss of an anchor in the neighborhood of Carthagena would not increase the danger. You ought to ask him what he means by disabled, as she was in different conditions at different times.

Mr. ELDREDGE. Would it [be] practicable or advisable in the

commander of a ship to undertake to sail her by day with a sea breeze and by night with a land breeze?

A. It may be practicable, but it is not prudent.

Q. It is possible to be done, but it is dangerous.

A. Yes, sir.

Q. And is that the danger to which you refer?

A. Certainly.

The ARBITRATOR. Have you gentlemen any other witness to be examined?

Mr. CASON. There is one witness who is in the city, but who is indisposed. With the exception of him and another witness, and some records in regard to the lands in West Virginia, I think that we have closed our case so far as witnesses in this country is concerned. The reason we have not the records of the lands in West Virginia is because there was a misunderstanding as to the information we needed.

The ARBITRATOR. The reason I ask is, I supposed you would get through with your testimony in a couple of days. I have fixed next Wednesday to go on with the other case, and I wish to go straight through with it when I take it up. Consequently I shall not be able to fix any other time for this case before the 1st of March than the begining of next week—Monday and possibly Tuesday.

Mr. DE CHAMBRUN. I think it should be understood that they cannot come in after the first of March and re-open this case because we must know the points on which they rely before we present our side of the case.

The ARBITRATOR. My order has been this: The counsel for the claimant must close their case before the other side is required to go on. The order was that you should close by the 25th of this month, but, as that is Sunday, I will give you one or two days more. Then the case of the claimant must be considered closed with the single exception that if you bring a witness or witnesses here from abroad I will hear the testimony.

Mr. CASON. How would it be with these witnesses which I have just spoken of, especially with a witness from New York

whom we wished to call. It is not our fault that he is not here.

The ARBITRATOR. I have no objection to receiving these witnesses early next week. But you have had a long time to present your case. You have had since November, and I think the evidence must be considered closed on Tuesday. I will make an exception in favor of the papers relating to the West Virginia lands.

Mr. CASON. If the case had not been so old a one, we should have closed long ago. Our embarrassment and difficulties have arisen in a great degree from the long time that has elapsed.

Mr. DE CHAMBRUN. In closing their case there is a point on which we ought to be advised; there are papers which your Honor may regard as evidence which have been filed in the State Department, and no doubt read by your Honor, but which are entirely unknown to us; we ought to be able to meet these papers.

The ARBITRATOR. It is certainly right that if the claimants rely on any papers they must give a statement of those papers.

Mr. CASON. We were informed that all the papers would be produced.

The ARBITRATOR. If there are any important papers which you rely upon, I think you should call them to the attention of the other side.

Mr. DE CHAMBRUN. What I am after, your Honor, is this: Certain papers upon their motion were read by the Arbitrator. Those papers are on file in the State Department. We ought to know what is in those papers, in order to be able to rebut them.

Mr. CASON. You wish us, in other word, to inform you what our evidence proves.

Mr. DE CHAMBRUN. That is not at all my idea. But somehow or other papers have been sent to the State Department and have been filed there. Thereupon motion was made here and the Arbitrator, granting the motion, has taken the trouble

o read the papers. What those papers are we have not the east idea.

The ARBITRATOR. You have, Mr. de Chambrun, the same pportunity as the counsel on the other side have to examine hose papers.

Mr. ELDREDGE. We rely upon all the papers in the case. Ve are not filing any new papers.

Mr. DE CHAMBRUN. We want to know what papers were led by you and what they contained. I cannot go to the ndex room and ransack all the papers of the Department.

The ARBITRATOR. I cannot say more than I have said.

Mr. DE CHAMBRUN. Well, I will consult with my associate. think we will submit to your Honor a motion to exclude rom the case any paper which has not been communicated to he other side.

The ARBITRATOR. I cannot make such an order as that.

The Commission then adjourned to Monday, January 26th, 885, at 10 o'clock A. M.

THE AMERICAN AND HAYTIEN CLAIMS COMMISSION.

THE UNITED STATES
vs.
HE REPUBLIC OF HAYTI.

In the Matter of the Claim of Antonio Pelletier against The Republic of Hayti.

DEPARTMENT OF STATE,
January 26, 1885.

Pursuant to adjournment, the Commission met at ten o'clock . M.

Present:

The Arbitrator, Hon. WILLIAM STRONG.

Messrs. JACKSON, MERRIMAN, CASON, and ELDREDGE, Counsel behalf of the claimant; and

Messrs. DE CHAMBRUN and BOUTWELL, Counsel on behalf of e Republic of Hayti.

PETER F. MANCOSOS,

witness on behalf of claimant, being first duly sworn, testi- d as follows:

Examined by Mr. CASON:

Question. State your residence at this time?

Answer. It is 734 Tenth street; my office is 930 F street, this city.

Q. How long have you resided here?

A. Permanently, for six years.

Q. State whether you have an acquaintance with Captain Pelletier?

A. I have, sir.

Q. How long have you known him?

A. Since 1848; immediately after the Mexican war.

Q. Where did you know him at that time?

A. On the Isthmus of Panama.

Q. How long were you acquainted with him at that time!

A. Up to 1850.

Q. Did you ever reside at New Orleans?

A. Yes, sir; the best part of my life from boyhood up.

Q. State whether you had any acquaintance with Pelletier at New Orleans?

A. O, yes, sir.

Q. Give the dates of your acquaintance?

A. I saw Pelletier, I believe, previous to his leaving Mobile in the latter part of November or early part of December: I do not remember precisely; it was from 14 to 15 days before he left.

Q. In what year?

A. In 1860.

Q. State what you know, if anything, in relation to his voyage from Mobile?

A. I do not know anything about his voyage from Mobile, except that he had a vessel there. It was loaded and was going to the Caribbean Sea. I know nothing, except what he told me.

Q. State what Pelletier told you about the voyage he was going to make in his vessel?

Mr. Boutwell. I object to this question.

Mr. Eldredge. I think that is a proper question.

The Arbitrator. It might be under certain circumstances, but I do not know that it is at present. If a man is in possession of lands, you can give his statements in regard to the manner in which he claims them.

Mr. Eldredge. It is the same thing in regard to this vessel.

The ARBITRATOR. Well, I will permit the question to be put, subject to objection.

Q. State what Captain Pelletier said in regard to what his vessel was loaded with.

A. He said he had a load of lumber. That she was loaded with lumber.

Q. Did he say anything to you in relation to procuring money by himself or other parties in New Orleans to be put on that vessel?

A. I do not know anything about it, except this, that Captain Pelletier requested me to go around to his office.

The ARBITRATOR. I do not think that is evidence.

Mr. CASON. I am trying to get at a fact, at a circumstance which took place.

The ARBITRATOR. Then ask what took place; not what Captain Pelletier stated.

Q. State what you know as a fact in relation to Pelletier's having a conversation with Delaunay and Rice, or any other person that you saw yourself, and what it was about?

A. I simply met Captain Pelletier. I do not remember the day. It was near the holidays. I was coming from my house. I met Captain Pelletier and he said: "I was looking for you. I wish you to go over to the office." The first thing he said when he arrived in the office was, "Here is a gentleman who knows all about the currency of the country. Perhaps he can enlighten you in regard to the currency of the country."

Q. What country?

A. Central America; then we entered into conversation, and he asked me about the currency.

The ARBITRATOR. Who asked you?

WITNESS. Delaunay. He said: "We are shipping $50,000 in five-franc pieces." I said: "You ought not to ship those, but ship ten-cent pieces. You will make a greater profit."

The ARBITRATOR. I think you have prosecuted this far enough. You have shown that there was a conversation about procuring money to speculate with it.

Mr. ELDREDGE. If your Honor please, we want to show that there was a speculation in that kind of money in that neighborhood.

The ARBITRATOR. I do not think that is important. It may be assumed.

Mr. CASON. We desire to show by this witness that when he was engaged in this kind of exchange of money he knew that Captain Pelletier was also engaged in that kind of business. We also desire to show what profit there was in the exchange of different kinds of money—cut-money, gold dust, &c.

The ARBITRATOR. I do not think that this is admissible. I do not think that according to any rules of evidence with which I am acquainted the habits of a man can be given in evidence to show his conduct.

Mr. CASON. I do not know either, your Honor. My object here is to show that such business as this was a legitimate business there. A business that was transacted generally, just as the banking business is transacted here, and that Captain Pelletier was engaged in it.

The ARBITRATOR. I confess that I cannot see that that is regular.

Mr. CASON. I desire to go a little further and to elicit what he knows concerning the shipping of specie on vessels loaded with lumber, and the quantities that have been taken, which he knows of his own knowledge, about these same seas along the coast of Central America.

The ARBITRATOR. I do not think that that is evidence.

Mr. ELDREDGE. Your Honor suggested in the early part of this investigation, when you called our attention to getting more proof, that it seemed to you to be a very extraordinary amount of money to have under such circumstances.

The ARBITRATOR. So far as the case now stands before me, it does not seem to me that that is a very important element in the case.

Mr. ELDREDGE. It was to meet that view of the case that this question was asked.

The ARBITRATOR. Well, it cannot do any harm, so you may ask the question.

Q. State what you know of your own knowledge about the sending of money for the purpose of exchange upon vessels loaded with lumber.

A. I do not know anything, except what I did myself; I took a sum of money on the schooner "Camilla Scott," to Greytown, some four thousand dollars of ten-cent pieces.

Q. Was this put on a vessel loaded with lumber?

A. Yes, sir; lumber and some merchandise. I was the agent of a line of ships running to the Caribbean Sea, and often money came out to me at Chagres.

Q. What amount was sent on board of vessels loaded with lumber?

A. I understood that everybody that came there brought ten-cent pieces; I only know, however, what I used myself; I have used on a voyage from three to four thousand dollars a month.

Q. For how long?

A. For over a year.

The ARBITRATOR. Do you mean ten-cent pieces?

WITNESS. Yes, sir; I will state how I used it; I was the passenger agent for the "George Law" line, and was entitled, under a contract which I made, to two dollars per head for every passenger landed from the steamer, back and forth, to and from the Isthmus to New York and San Francisco; these passengers were transported across the Isthmus; Captain Pelletier was employed in this business of transportation; now, I used to pay my men two dollars a trip, and I paid them in ten-cent pieces.

The ARBITRATOR. Ten-cent pieces were equal to Spanish reals?

WITNESS. Yes, sir; I would pay them sixteen, or eighteen, or twenty dollars, according to circumstances, and the balance was my profit.

Q. What do you know in relation to dealing in cut money?

A. Everybody that got hold of cut money shipped it to France or England.

Q. What was cut money there?

A. It was generally coin.

Q. Was it pure silver?

A. It was the best silver Spanish coin.

The ARBITRATOR. I understand by cut money that money which has a part cut off, or which is punched.

Mr. ELDREDGE. Is it mutilated money?

WITNESS. It is mutilated money and short money. Generally four quarters make a dollar; but sometimes it requires five of those pieces to make a dollar.

The ARBITRATOR. Those are the old pistareens?

WITNESS. The intrinsic value of that money was about twenty cents in Havana.

The ARBITRATOR. The pistareen was worth about nineteen cents.

The WITNESS. Well, they bought them for fifteen or sixteen cents.

Q. How was gold dust rated along the Central American coast and the Caribbean Sea in exchange for short money?

A. During the excitement of 1848 and 1849, naturally a good many miners would come across the Isthmus; they would have no coin except private, individual coin—five, ten, or fifty dollar pieces, in octagonal blocks. As a general thing they used to sell gold at sixteen dollars an ounce, and invariably sixteen ounces made a pound. They had no other means of weighing it.

The ARBITRATOR. Was that avoirdupois weight?

WITNESS. Yes, sir.

Q. Was there any other time that Pelletier called your attention to, or when you saw, any conference between him and Delaunay?

A. Nothing except the shipping of the money.

Q. Do you know anything of that?

A. Nothing except what he said.

Q. What do you know of who composed the firm of Delaunay, Rice & Co.?

A. Well, I was under the impression, knowing the financial condition of Captain Pelletier, that he was the moneyed man. It was a surmise on my part.

Q. What was his reputation?

A. Those who knew anything about him thought he was a silent partner.

Cross-examined by Mr. BOUTWELL:

Q. You say your acquaintance with Pelletier commenced in 1848?

A. Yes, sir.

Q. Were you in New Orleans then?

A. No, sir; I was in Chagres; this was immediately after the Mexican war, when our regiment was disbanded; I took the first steamer that left for those parts.

Q. How were you engaged when you first knew him?

A. It was the first time I went up the river; I was exploring the river.

Q. What was Captain Pelletier doing?

A. He had mules carrying passengers across the isthmus; every time I went there I saw him.

Q. How long did that knowledge of Pelletier continue?

A. About a year.

Q. When and where did you next see him?

A. I left there in 1852 and went to Graytown; the next time I saw him was in 1860.

Q. When in 1860 did you first see him in New Orleans?

A. The corner of Canal and Carondelet streets, as I was coming from my house.

Q. What time in the year was that?

A. It was in November or December; we shook hands, and I do not know but that we went to take breakfast together.

Q. Did you have any business relations with Pelletier?

A. None in the world, except the isthmus friendship.

Q. You saw him then in 1848 and 1849, and again in the latter part of November or in December, 1860; didn't you see him between those periods?

A. No, sir.

Q. Did you have any correspondence with him?

A. No, sir.

Q. Did you have any business relations with him?

A. None.

Q. Then your acquaintance with him was not very intimate?

A. Nothing, except that we were on the isthmus together.

Q. You spoke of his inviting you to go to see Delaunay.

A. That was the second or third time I met him.

Q. Your first visit was in November or December, 1860.

A. Yes, sir.

Q. How much time afterwards was it when you took lunch with him before going to Delaunay's?

A. Oh, I saw him almost every day; I could not tell you in days; it could not have been more than three or four days; I saw Captain Pelletier nearly every day or so.

Q. Do you think it might have been a month?

A. I saw him occasionally, nearly every day; it must have been eight or ten days after I first saw him; then we would crack jokes in Spanish and go about our business; I had no business with him whatever.

Q. Have you seen Pelletier in this city?

A. Yes, sir; every other day or two or three days.

Q. You have been very intimate with him here?

A. No more so than as casual friends.

Q. Did you have any intimacy with Delaunay of this firm?

A. I knew him well.

Q. Do you know what became of his firm?

A. I do not; it was during that time, in 1860, when we didn't give much attention to those matters.

Q. Have you seen Delaunay since 1860?

A. No, sir.

Q. Have you seen Rice?

A. No, sir; I never was intimate with Rice, but I knew him.

Q. When you say that it was generally understood in New Orleans that Mr. Pelletier was a member of this firm, and that he was the moneyed man, to what period of time did you refer?

A. I refer to the period when I saw Pelletier in New Orleans in 1860.

Q. Between 1850 and 1860 you didn't hear anything about it?

A. No, sir; I did not see him in fact.

Q. Were you ever intimate with Delaunay?

A. Intimate as young men generally are.

Q. You went into the army when the war opened?

A. Yes, sir.

Q. Did you go to Texas?

A. No, sir; I was in New Orleans all the time; I served with General Banks part of the time.

Mr. ELDREDGE. It was in the Union army, then, that you served?

WITNESS. I raised a regiment in New Orleans; it was the finest regiment ever put on the rounds, and I should have remained with it if it had stuck to the American flag, but when they pulled down the flag I pulled myself out.

Q. Do you not know what became of the firm of Delaunay, Rice & Co., or what became of their business?

A. I do not.

Q. You have no knowledge whatever?

A. I didn't pay sufficient attention to the matter.

Mr. DE CHAMBRUN. Do you [know] whether they failed about that time?

WITNESS. I didn't hear of it.

Q. When did you see Delaunay last?

A. In 1860.

Mr. CASON. State whether you are positive that it was along

in November when you first saw Pelletier, or whether it may have been earlier?

A. Well, it was twenty-four years ago, and it is impossible to remember.

Mr. BOUTWELL. You cannot test his memory in that manner.

The ARBITRATOR. You cannot impeach your witness, but you can ask him whether he was positive that it was in November.

Mr. CASON. Do you remember whether it was before or after the election in that year?

WITNESS. No, sir, I cannot tell; it was during the time of the excitement.

Mr. CASON. I would like to make one request of the gentlemen on the other side. We have one witness who is somewhere in New York. We have written for him and expected him, as I already said, on Saturday last. He was the bookkeeper of Pelletier. There is only one or two questions we wish to ask him concerning his knowledge as to the drafts being issued in regard to this money that went on board the vessel. Now, if the Counsel will allow us to put him on the stand when he get him, it will be all that we desire, excepting the records from West Virginia, which we have already spoken of.

Mr. BOUTWELL. I suppose the Arbitrator will decide about that.

The ARBITRATOR. What do you expect to prove by that witness?

Mr. PELLETIER. If your Honor please, he was my cashier at 98 Wall street, New York city, and knows all about the transactions between Delaunay and myself, as he had to make the entries in the books. He promised me to be present here, but has not made his appearance.

The ARBITRATOR. Was he your cashier at New Orleans?

Mr. PELLETIER. No, sir; he was my cashier in New York.

Mr. DE CHAMBRUN. If I remember the evidence of Captain Pelletier he said he did not know anything about that transaction; that it was Delaunay's transaction.

The ARBITRATOR. I think you are in error about that. If

you have that witness here on Wednesday morning I will hear him; if not, the case will be closed.

Mr. DE CHAMBRUN. If your Honor please, I propose now, if the case is closed on the part of claimant, to offer in evidence certain official newspapers of the Republic of Hayti called "The Moniteur."

The ARBITRATOR. Hadn't you better delay opening your case until the other side has completely closed?

Mr. DE CHAMBRUN. My object is to save time. The extracts in these papers are long, and they will have to be translated and printed.

Mr. ELDREDGE. Do you propose to offer newspapers in evidence?

Mr. DE CHAMBRUN. The Moniteur is the official newspaper published by the Government of Hayti, but I may add that it is referred to in the claimant's case time and again.

Mr. ELDREDGE. It is not evidence in any case.

Mr. DE CHAMBRUN. If your Honor please, these very newspapers are referred to in the correspondence of Mr. Langston, of Mr. Whidden, and the correspondence generally between the two Governments. They are already in the case to some extent. My object now is to offer in evidence the full text of all the proceedings, which are published in these official newspapers.

Mr. ELDREDGE. Is that the paper published by the witness who was on the stand the other day?

Mr. DE CHAMBRUN. No, sir; it is the official journal of Hayti. I will now read the dates of these newspapers, and the articles to be offered in evidence and printed will be found marked in each paper. They are as follows:

1. No. 12, dated February —, 1861, marked Exhibit 1.
2. No. 20, April 20, 1861, Exhibit No. 2.
3. No. 28, June 15, 1861, Exhibit No. 3.
4. No. 36, August 10, 1861, Exhibit No. 4.

I will state to your Honor and to the Counsel on the other side at this point that this last number, No. 36, contains the Acte d'Accusation, the indictment which is identical with the

indictment offered in evidence the other day on behalf of the claimant.

5. No. 38, August 24, 1861, Exhibit 5. The report of the trial.

6. No. 39, August 31, 1861, Exhibit 6. Arguments before the Court of Cassation.

7. No. 40, September —, 1861, Exhibit 7.

8. No. 47, October 26, 1861, Exhibit 8.

9. No. 48, November —, 1861, Exhibit 9.

These exhibits are as follows:

LE MONITEUR HAITIEN.

N°. 12.

Le — février 1861.

EXHIBIT 4.

Depuis son arrivée en ce port, la barque américaine *William*, capitaine Antonio Pelletier, semblait être suspecte à la police. Il circulait sourdement que ce navire, tant par son nombreux équipage, par son chargement, que par des propositions qui avaient été faites à plusieurs individus, était destiné à la *traite*. Ces soupçons ont pris un caractère de vérité, quand un des passagers dudit bâtiment, le sieur A. Baina, de Carthagène, sans aucune suggestion, a déclaré par écrit à la secrétairerie d'état de la police générale que le 6 décembre 1860, le *William*, affreté à Carthagène par un sieur Juan Cotes, commis de la maison Antoine Cano, Vice-consul anglais à Rio Hacha, quitta ce premier port, pour cette destination (Rio-Hacha) après s'être chargé de merchandises pour ce monsieur Cotes, qui s'y embarqua avec sa femme et une jeune enfant. Le capitaine Pelletier, sans doute par le peu d'habitudes qu'il a dans ces parages, engagea le pilote Césarin César, de Carthagène et prit un jeune homme du pays, le nommé Juan Gutierez, à son service, en qualité de mousse.

Le navire, loin de se diriger vers le lieu de sa destination, Rio-Hacha, l'évita et après douze à treize jours de mer le capi-

taine Pelletier annonça au sieur Cotes qui était déjà inquiet, que son grand mât menaçait de tomber et que par manque d'eau, il se voyait forcé de mettre son équipage et ses passagers à la ration. Monsieur Cotes, ayant avec lui sa femme enceinte et une enfant de deux ans, pria le capitaine de relâcher à la Jamaïque. Celui-ci s'y refusa, et après avoir stipulé un chiffre exhorbitant, il se décida à relâcher au Grand Caïman où il déposa le sieur Cotes et sa famille, à qui il ne donna de ses marchandises que quelques caisses de savon. Ce Baina ajoute que le second du *William*, à son arrivée à Carthagène, parti en dernier lieu de Mobile, avait fait comprendre à l'équipage que le capitaine les avait trompés et qu'il se proposait de faire la traite. Cette révélation du second lui valut le mécontentement du capitaine qui s'en vengea en lui fesant mettre des menottes. Cependant il trouva moyen de s'évader dans un canot et se rendit sur le vapeur anglais le Gladiator qui était dans le port de Carthagène et qui consentit à le recevoir sous sa protection. Le capitaine anglais fit des réclamations près des autorités du lieu et satisfaction ne lui fut pas donnée. On prétend que le Gladiator s'était proposé de capturer le William, projet qu'il était sur le point d'accomplir quand il reçut l'ordre de son consul de se rendre sur un autre point où l'appelait le service de S. M. B. Il ne conservait pas moins l'idée de retourner bientôt à Carthagène où il pensait retrouver le William, suspecté comme négrier.

Du Grand Caïman il se rendit à Cienfuegos où il se tint au large et envoya son canot à terre qui fut arrêté parce que le navire était suspecté. Le capitaine A. Pellotier rentra donc le William dans ce port, descendit à terre et obtint la relaxation de son second et des hommes qui montaient son canot, dit-on, après avoir consenti et payé une forte somme.

De Cienfuegos, sans rien dire de ses projets, le William s'est rendu au Port-au-Prince.

Monsieur A. Baina et tout l'équipage du William affirment que le capitaine A. Pelletier avait l'intention de faire la traite; le sieur Joseph Dupuy, sujet français, qui était aussi sur ce

navire, déclare que le William a été déjà capturé par le navire de guerre américain *Crusher*, capitaine John Moffith, sous pavillon français, dans le golfe du Mexique, tout près de la Floride, avec 454 nègres; que le capitaine Pelletier lui-même lui a fait part de cette circonstance qui est, de plus, publiée sur les papiers américains.

La proposition faite aux personnes qui devaient compléter l'équipage du William, proposition qui consistait à leur faire entrevoir une récompense de trois à quatre mille francs, à la fin de l'expédition; à celle de faire trouver au capitaine A. Pelletier cinquante hommes et six femmes haïtiens, qui devraient aller avec lui à l'exploitation du Guano; le faux pont dont il a ici même annoncé la construction, les menottes et quantité d'armes et de munitions trouvées sur le William, tout semble confirmer les soupçons qui planent sur la barque américaine William, capitaine A. Pelletier.

Ce sont ces graves présomptions jointes aux déclarations réitérées du sieur A. Baina, qui ont déterminé le secrétaire d'Etat de la police générale à réclamer des déclarants une dénonciation formulée et écrite; ce que fit Baina. Pièce n° 1.

Baina ne se contenta pas d'avoir seulement dénoncé le navire au Gouvernement d'Haïti; il formula une déclaration bien plus détaillée à Mr. Henry Byron, chargé du consulat général et de la Légation d'Angleterre, dans laquelle il décrit l'itinéraire du William, les stratagèmes du capitaine pour spolier les marchandises qu'il avait reçues à fret du sieur P. Cotes, les provisions auxquelles il exposa son passager frêteur. enfin le danger que lui-même Baina courait avec les deux autres grenadins, en manifestant que le but du capitaine A. Pelletier était de les retenir à bord pour les vendre: c'est ainsi qu'ils ont sollicité et obtenu la protection efficace du vice-consul de S. M. B.

Dans sa déclaration au secrétaire d'Etat de la police générale Baina a affirmé que cinq matelots de l'équipage du William, imbus des projets odieux du capitaine Pelletier, en avaient témoigné leur indignation, ce qui déplut au capitaine

qui, pour ne pas courir le risque de voir ses projets dévoilés, réclama l'intervention du consul américain pour faire emprisonner ces cinq marins qui sont Carlo Tiscomia, Juan Poux, Antonio Lowos, Pablos Rabantes et William Smith.

Dans l'intérêt de la vérité et pour ne pas courir le risque de faire une démarche inconsidérée, le secrétaire d'Etat de la police générale invita dans l'après midi du 2 février, le commissaire du Gouvernement près le tribunal civil du Port-au-Prince et l'ajutant-général N. Gateau, attaché au département de la police générale, à recevoir la déclaration de ces cinq marins. P. n° 2.

Tous les cinq confirmèrent la déclaration de Baina, et Carlo Tiscoima ajouta que réellement, comme maître charpentier du bord, il avait reçu l'ordre du capitaine Pelletier de construire un faux pont pour recevoir les ouvriers qu'il comptait prendre en Haïti ; qu'il lui a repugné d'employer ses talents à des projets si criminels et qu'il a mieux aimé engloutir ses outils dans l'Océan. P. n° 3.

Le Gouvernement haïtien, devant des déclarations aussi formelles, pouvait-il rester impassible ? Non ; c'est alors que, vu les irrégularités de l'expédition du *William*, qu'on avait aussi dénoncé comme n'ayant pas, dans son manifeste, accusé toutes les marchandises dont était composé son chargement, ni non plus les pièces justificatives de sa cargaison, le Secrétaire d'Etat de la police générale invita le général de brigade Carrié, commandant la place du Port-au-prince, à faire sa visite du port et à lui dire particulièrement dans quel état il aura trouvé le navire américain William, capitaine Pelletier, dénoncé au Gouvernement comme négrier. Le général Carrié s'y transporta avec le commissaire du gouvernement Lillavois, le colonel Celcis, chef des mouvemens du port et le commissaire de police Vériquin. S'étant rendus sur le William, ils y trouvèrent le sieur Urbain Castaign second du dit navire, qui les reçut en l'absence du capitaine ; après s'être entretenus, ces fonctionnaires se promenèrent sur le pont et enfin ils constatèrent dans une malle sans couverture qui était sur une table

vingt paires de menottes avec leurs clefs; et comme Baiza avait déjà fourni au Gouvernement une paire de ces menottes comme une preuve des faits avancés par lui, ces fonctionnaires furent éveillés et poussèrent leurs investigations jusqu'à demander au sieur Urbain Castaign si le bâtiment n'était pas pourvu d'armes. C'est alors que le second leur fit voir dans une cabine douze révolvers à six coups, quatre carabines, un pistolet révolver à crosse avec poignard, que le second déclara son arme propre. Le sieur Urbain leur a encore fait voir deux quarts de poudre (ces instrumens de tortures, armes et munitions, n'avaient pas été légalement déclarés en douane ni portés sur le manifeste du bâtiment). Ils y ont trouvé en outre dix-neuf couvertures de laine, quatre-vingt quatorze paquets de tabac et beaucoup d'autres marchandises non encore déchargées.

Sur ces entrefaites arriva le capitaine qui refusa de remettre ces menottes et ces armes aux autorités haïtiennes, sans l'autorisation expresse de son consul, prétendant que l'usage de ces menottes était pour la discipline de son bord.

Le général Carrié fit son rapport au Secrétaire d'Etat de la police générale qui lui objecta que puisque le bâtiment n'était pas complètement déchargé, la loi sur la douane lui fait l'obligation d'y mettre une garnison jusqu'à ce que le complet déchargement soit constaté par procès-verbal de la douane et qu'il l'invitait à se conformer à cette disposition impérative de la loi: c'est ce qui a eu lieu.

Ces mêmes autorités, en conformité de cet ordre, se transportèrent de nouveau sur le William, y dressèrent procès-verbal, et cette fois-là descendirent avec les vingt paires de menottes. Tout s'est passé jusqu'ici dans le plus grand calme et dans les meilleures termes; mais lorsque le second a vu l'autorité en possession de ces menottes, il a prétendu qu'on avait pris possession de son bâtiment et qu'il allait l'abandonner; le général Carrié lui répliqua que l'autorité n'entend nullement prendre possession de son navire; que la garde qui est posée l'est en vertu des dispositions de nos lois de douanes

uxquelles tout bâtiment en déchargement est obligé de se onformer. Le commandant de la place allait se retirer lorsue le second fesait ses préparatifs pour débarquer.

Le lendemain, dimanche, Mr. Lewis, agent commercial des Etats-Unis fit des communications au Gouvernement et prétendit que les autorités haïtiennes qui étaient allées à bord du William s'étaient comportées brutalement et avaient enfin ouragé le pavillon américain. Il est à noter que le capitaine Pelletier pour couvrir ses desseins, avait fait la même chose à Cienfuegos, croyant effrayer les aûtorités par des menaces de e genre. Il n'est pas présumable que Mr. Lewis ait avancé in tel fait, sans qu'on le lui ait rapporté ; mais nous constatons ussi que celui qui a pu inventer un mensonge de cette espèce ontre les fonctionnaires à la fois honnêtes et distingués, a eu besoin de s'enfoncer dans cette échappatorie pour se dégager les mailles du filet où sa conscience lui fesait comprendre qu'il était entortillé. Le général Carrié ainsi que ces autres fonctionnaires ont repoussé énergiquement cette imputation, et, ont, à leur tour, fait leur réserve contre l'imposteur qui a pu ainsi porter atteinte tant à leur caractère de fonctionnaire qu'à leur honneur personnel, pièce n° 4.

Le lundi matin se présente volontairement le sieur Juan Palisser, matelot du William, qui confirme en tout, tant la dénonciation de ses compagnons que la déclaration de Baina, et ajoute qu'il était sur le navire quand les autorités y vinrent ; qu'à la première fois le pavillon flottait, et qu'à la seconde le pavillon était bien serré à sa place par le mousse comme de coutume, pièce n° 5.

Miguel Costa, matelot du William, confirme en tous points les précédentes déclarations, et ajoute que le capitaine tout en leur permettant de se promener le dimanche en ville, leur avait recommandé de ne pas visiter les matelots prisonniers et leur avait particulièrement recommandé de répondre *qu'ils ne savent rien* à toute interpellation de n'importe qui. Pièce, n° 6.

Antonio Ferrer, matelot du William, confirme la précédente déclaration dans toutes ses parties et soutient aussi que le pa-

villon de son bâtiment n'avait pas été aucunement froissé par les officiers de police qui s'étaient rendus à bord. Pièce, n° 7.

Juan Gutierres, mousse du capitaine Pelletier, a tout confirmé et a déclaré que par les ordres du second il avait serré le pavillon à sa place et qu'il n'est pas possible que les autorités haïtiennes aient marché dessus. Il ajoute que sur les conseils de son beau frère, Césarin César, il s'est engagé pour quinze jours avec le capitaine Pelletier, pour faire un voyage de Carthagène à Rio-Hacha, et que, jeune comme il est, le voilà en Haïti sans savoir où prendre les moyens pour se rendre auprès de sa famille; qu'il a lieu de s'effrayer de sa position, attendu qu'il est de la race africaine et le bâtiment négrier; que ce même bâtiment a les empreintes de deux boulets, l'une à babord devant, l'autre à tribord derrière. Pièce, n° 8.

Césarin César, pilote résidant à Carthagène, déclare s'être engagé pour quinze jours seulement afin de conduire le William à Rio-Hacha; qu'il était surpris de voir en pleine mer le capitaine diriger lui-même la bâtiment sur un point autre que celui de sa destination. Il établit que le capitaine prétexta le manque d'eau et le mauvais état de son grand-mât pour effrayer les passagers; il confirme qu'après avoir déposé au Grand-Caïman le sieur Juan Cotès, sa femme enceinte, son enfant et son domestique, le bâtiment fit voile pour Haïti; qu'arrivé sous le vent de la Jamaïque, le capitaine fit courir sur la côte de Cube et louvoya pendant une journée devant la ville de Cienfuegos. Le bâtiment fut suspecté là comme négrier et un canot monté de quatre hommes que le capitaine dépêcha avait été saisi à terre: c'est ce qui avait déterminé le capitaine à aller prendre mouillage dans le port de cette ville; et il soutient que, comme marin, il a pu constater que le bâtiment a une câle plate, qu'il est un fin voilier, qu'il est richement approvisionné tant en munitions de bouches qu'en armes, que tout cela confirme ce qu'il a appris à Cienfuegos, que le bâtiment est négrier. Il rapporte que depuis samedi, malgré l'absence du charpentier Charles, le capitaine a pu trouver un autre ouvrier qui travaille au faux pont projeté et qui est

destiné à recevoir les cinquante hommes et ces six femmes que le capitaine se propose d'engager ici pour aller exploiter du Guano, pièce n° 9.

Ce même jour s'est encore présenté volontairement le nommé Vil Maximilien, bumbatier, qui a attesté devant les autorités que le capitaine Pelletier l'avait chargé de lui trouver ici une cinquantaine d'hommes et six femmes pour aller travailler avec lui au Guano; qu'il leur donnerait quatorze gourdes par jour; Mr. Antonio Pelletier a confirmé cet aveu de sa propre bouche.

Vil Maximilien lui objecta qu'une telle chose ne pouvait se faire ici sans l'ordre du premier Chef. Il lui répliqua qu'il avait déjà l'autorisation du commandant de la place; qu'il pouvait lui procurer ce monde: déclaration qu'il promet de soutenir en face du capitaine Pelletier, et jusqu'à la mort: (pièce n° 10).

Le capitaine Pelletier n'avait jusqu'alors vu le commandant de la place, il ne lui avait jamais rien sollicité, et en fesant entendre à Vil Maximilien, qu'il avait l'autorisation de l'autorité, il a voulu le surprendre par ce mensonge.

Joseph Dupuy, cuisinier du William, déclara volontairement au juge de paix de la section sud de la capitale qu'il s'était engagé avec le capitaine Pelletier pour un voyage de Mobile à Carthagène, et que c'est dans ce dernier port que le capitaine lui a annoncé qu'il allait faire la traite des nègres sur les côtes des Antilles, et qu'il offre, comme preuve de ce qu'il avance, les armes, les provisions, le nombre de pipes à eau, ainsi que le faux pont que comporte le bâtiment, choses qui ne sont point nécessaires à un navire de commerce. Il soutient que c'est parce qu'étant à Carthagène, le second ne voulant pas consentir à être complice du capitaine dans ce commerce, que le capitaine les fit mettre aux fers; que ce second a eu le bonheur de se sauver et de se rendre sur ce navire de guerre anglais le Gladiator à bord duquel il a trouvé protection. Dupuy rapporte aussi que les noms portés sur le rôle d'équipage du " William " ne sont point en rapport avec ceux des

individus qui le montent, et confesse que le capitaine Pelletier lui a fait l'aveu d'avoir été déjà capturé dans ce trafic par le navire de guerre Américain " Crusher " capitaine Moffith avec un chargement de 454 nègres, et que son bâtiment était alors sous le pavillon français. Cet évènement arriva dans le golfe du Mexique, tout près de la Floride. Il termina en disant que de Cienfuegos l'équipage était parvenu à être bien fixé sur les intentions du capitaine, et voulait là même abandonner le bâtiment, dont les emménagements, le matériel et le faux pont font voir évidemment qu'il est destiné à la piraterie (pièce n° 11).

Ces diverses déclarations sont tellement coïncidantes que l'autorité ordonna une investigation à bord du " William," pour savoir réellement si l'on y construisait un faux pont. Voici le rapport des hommes de l'art sur cet objet :

" Le colonel Denys Légitime, chefs des chantiers maritimes, " etc., nous ont déclaré que les *traverses posées*, *les morceaux de* " *poteaux coupés*, et la quantité de planches qu'il a trouvées " dans la câle, décèlent la construction soit d'une chambre se- " crète soit d'un faux pont déjà commencé. Ayant chacun de " nous constaté la même chose, nous avons clos, etc., (pièce n° " 12)."

Voici maintenant la teneur d'une pièce écrite en langue espagnole et non signée (que nous avons traduite, et que le sieur Baina nous a remise pour soutenir son accusation contre le capitaine Pelletier, la quelle pièce il déclare avoir trouvée à bord.

" Instructions données au capitaine de la barque *Lit*, pour " son voyage au Rio-Zaïre, sur la côte d'Afrique, et son retant " à un point de la côte, à l'île de Cuba.

" Le capitaine de la barque prendra soin de se faire délivrer " son expédition de douane, pour aller sur la côte d'Afrique, " dans le but d'y faire le commerce, et d'avoir ses papiers bien " visés, tout son rôle d'équipage que sa patente.

" En arrivant sur la côte, il doit être prévenu qu'il sera visité " par quelque navire de guerre anglais : les officiers se servent

" de beaucoup de moyens pour tromper les capitaines améri-
" cains ; ceux-ci n'ont besoin d'avoir que de la patience et du
" caractère, et leur réponse doit être, qu'ils passent au Rio ou
" sur d'autres points pour acheter de la gomme, de l'huile de
" coco, du bois de teinture, et avec leur caractère les anglais ne
" les inquiéteront plus.

" A l'embouchure de la rivière et sous le vent de l'endroit
" nommé Loanda, il sera reconnu pour le contresigne ci-joint ;
" un canot sortira avec un commis et celui-ci donnera des
" ordres au capitaine, lui désignant le lieu où il doit opérer son
" déchargement ; le capitaine y obtempérera.

" Le navire étant déchargé, le capitaine obéira aux ordres
" que lui communiqueront mes chargés d'affaires, jusqu'à pren-
" dre à bord le chargement, et ensuite, il remplira ponctu-
" ellement les instructions que je marque dans le pli ci-joint,
" lui recommandant le plus grand secret sur ces instructions
" dont dépend le bonheur ou le malheur d'une expédition qui
" coûte tant d'argent et qui a coûté tant de travaux. Ces in-
" structions doivent être livrées cachetées au capitaine, qui n'en
" prendra connaissance qu'en pleine mer, (pièce n° 13)."

Devant des déclarations aussi formelles, avec des indices aussi graves, quelle est l'autorité qui pourrait rester impassible dans un pays libre, administré par un gouvernement régulier ?

La loi du 19 novembre 1839, ainsi que la convention du 23 décembre 1839, par laquelle le gouvernement haïtien a accédé au traité du 30 novembre 1831, entre la Grande-Bretagne et la France, pour la répression de la traite nous fait l'obligation de rechercher et de punir toutes les tentatives de ce genre ; de dénoncer à qui de droits tous les bâtiments étrangers soupçonnés affectés à la traite. C'est ce que nous avons fait dans ce cas-ci, attendu que tout l'équipage du bâtiment s'accorde à l'accuser de négrier.

Mais il y a encore à l'endroit du voyage du " William " des considérations bien graves, c'est la manière qu'il a battu toute la mer des Antilles, entrant dans chaque port et en en sortant, sans soumettre à son entrée dans une ville l'expédition de son

dernier lieu de départ. Cette considération est d'autant plus frappante, qu'à son arrivée à Port-au-Prince, le capitaine Pelletier a déclaré venir de la Nouvelle-Orléans : ceci n'est nullement exact. Outre qu'il n'est porteur d'aucune expédition légale de la Nouvelle-Orléans qui est dans l'Etat de la Louisiane, mais l'équipage confesse que le " William " est parti de Mobile Etat de l'Alabama, chargé de bois de construction pour Carthagène. A Carthagène le capitaine reçut du fret pour Rio-Hacha. Il ne se rendit pas non plus à cette destination. Le voilà en possession de marchandises qu'il avait reçues à fret, après avoir par des substerfuges déposé le frêteur au Grand-Caïman. Du Grand-Caïman il se dirigea sur Cienfuegos, ville de Cuba, d'où il vient au Port-au-Prince. Il a donc caché son itinéraire ; bien qu'on prétende qu'il les ait, il n'a pas soumis aux autorités de la place les expéditions en forme des lieux qu'il a parcourus.

Toutes ces circonstances ne sont pas de nature à recommander la sincérité du capitaine Pelletier à la police d'un pays libre. Le commerce américain et haïtien se fait sur la plus grande échelle ; et c'est la première fois que nous entendons dire qu'il faille absolument des menottes sur un bâtiment américain pour maintenir la discipline, un faux pont pour recevoir des passagers, plus de cent pipes pour l'approvisionnement d'eau du bâtiment et une infinité d'armes et de munitions, que le capitaine Pelletier a bien eu soin de ne pas déclarer à la douane.

Des individus, soit à dessein ou mal renseignés, se sont empressés d'interpréter les démarches de l'autorité. Sans se pénétrer des raisons qui les avaient dictées, on est même allé jusqu'à l'intempestif, avançant que le gouvernement haïtien avait propis des réparations au capitaine Pelletier. Nous espérons maintenant que la présente relation jointe aux pièces qui l'accompagnent démentira ces bruits, et rétabliront les faits dans leur véritable état. On se convaincra que la police a fait son devoir, que les droits de chacun ont été respectés, que les autorités haïtiennes ont procédé avec convenance, et qu'elles ont rempli leur tâche dans les formes prescrites par nos lois.

LE MONITEUR HAITIEN.
N°· 20.
Le 20 avril 1861.

EXHIBIT 2.

Département de la police generale.

La barque *Williams*, capitaine Antonio Pelletier, dénoncée par le citoyen de Carthagène, Banca, comme négrier, a été arrêtée dans les circonstances suivantes au Fort-Liberté:

Partie du Port-au-Prince avec une expédition de la douane de cette ville pour le port de la Nouvelle-Orléans et convoyée par l'aviso de guerre *Le Geffrard* jusqu'aux débouquements, elle s'est rendue à la Grande Inague, où le capitaine Pelletier acheva le faux pont déjà commencé au Port-au-Prince. Il y changea ses papiers, prit le nom de Jules Letellier et dénomma la barque *Williams*, *Guillaume Tell* expédiée du Hâvre pour la Havane. Il louvoya après avoir quitté cette dernière île (Inague), trois jours devant le port du Cap-Haïtien sous pavillon danois et refusa constamment le pilote de ce port. Il se rendit en définitive au Fort-Liberté, port fermé au commerce étranger, où d'abord, sous pavillon français, il annonça à monsieur Menuau, vice-consul français à la résidence du Cap-Haïtien, que, par relâche forcée, il avait atteri dans ce port, où il comptait réparer ses avaries pour reprendre la mer. Il faisait en même temps entendre aux populations de cette localité que, forcé de laisser une grande partie de sa cargaison à la Grande Caïque, il venait au Fort-Liberté chercher un nombre d'hommes pour la rembarquer.

Monsieur Ménuau, à cette déclaration, et croyant protéger un navire français, se rendit au Fort-Liberté et sur la déclaration que lui fit le nommé Miranda Pierre, maître d'équipage du *Williams*, il reconnut que ce navire était négrier.

Indigné, le vice-consul français, somma le capitaine Pelletier de descendre à terre; il s'y refusa. Force fut à l'agent du gouvernment français, pour faire respecter son caractère of-

ficiel, de réquerir l'assistance des autorités haïtiennes. Il ne fut pas trompé dans son attente. En effet, six barges armées, après avoir supporté un feu de revolvers contraignirent sans riposte le *Williams* à rentrer dans le port du Fort-Liberté et remirent le capitaine Pelletier au vice-consul français. Celle-ci avisé que le brigand avait un revolver chargé en poche, le contraignit à se désarmer en lui appuyant le canon de son pistolet sur la gorge.

Il réclama le pavillon français, qui venait d'être souillé, et remit Antonio Pelletier aux autorités haïtiennes afin que bonne justice en fut faite.—Pelletier ne peut réclamer la protection d'aucune puissance étrangère. Au Port-au-Prince il se couvre du pavillon américain et notons qu'il a voulu faire constater, lors des premières investigations faites contre lui, que ce pavillon, pavillon d'un peuple qui entretient un commerce important avec Haïti, avait été foulé aux pieds des autorités haïtiennes.....échappatoires !

Devant le port du Cap il se couvre du pavilion danois et enfin au Fort-Liberté il s'abrite sous les trois couleurs de la France.

Celui-là qui voulait nous tendre un piège semble, par un décret de la Providence, avoir été appelé à se faire prendre dans ses propres filets.

LE MONITEUR HAITIEN.

N°. 28.

Le 15 juin 1861.

EXHIBIT 3.

SECRÉTAIRERIE D'ÉTAT DE LA POLICE GÉNÉRALE.

La commission d'enquête, composée du général A. Carrié, commandant de la place et de la commune du Port-au-Prince, des sénateurs J. Célestin et A. Laforest, du substitut du commissaire du gouvernement J. J. Lilavois, du juge de paix E. Gatereau, du chef d'escadron C. Carpentier, commandant le

deuxième escadron des grenadiers à cheval de la garde de Son Exc. le Président d'Haïti, convoquée par le secrétaire d'état de la police générale, à l'effet d'interroger le nommé Antonio Pelletier, capitaine de la barque *William* et consorts, accusés de piraterie et de traite sur les côtes d'Haïti, a terminé ses opérations le onze du courant.

LE MONITEUR HAITIEN.

N°. 36.

Le 10 août 1861.

EXHIBIT 4.

ACTE D'ACCUSATION.

J. J. LILAVOIS,

Substitut du Commissaire du Gouvernement près le Tribunal Civil du ressort du Port-au-Prince,

Expose que, par ordonnance de la chambre du conseil, rendue le vingt-cinq du mois de juillet de la présente année, il a été déclaré qu'il y avait lieu à suivre contre les nommés :

1°. Antonio PELLETIER, âgé de quarante-trois ans, capitaine au long cours, négociant, né à Fontainebleau (France), demeurant et domicilié à New-York ;

2°. Thomas COLLAR, âgé de trente-cinq ans, marin de profession, second à bord de la barque *William*, né à Epping (Angleterre), naturalisé américain, demeurant et domicilié à New-York ;

3°. John Henri BROWN, âgé de vingt-neuf ans, marin de profession, né à Quimper (France), naturalisé américain, domicilié à Boston ;

4°. Urbain CASTAING, âgé de vingt-sept ans, maître de langues de profession, né à Plaisance (France), domicilié à Mobile (Etats-Unis) ;

5°. Picault-Louis-Jean-Baptiste BENJAMIN, âgé de quarante-

cinq ans, commis de profession, né à Paris, demeurant au Port-au-Prince ;

6°· Millet-Pierre Henri, âgé de trente ans, mécanicien de profession, né à Salies (France), demeurant à Bordeaux ;

7°· Alexandre Thibodeau, âgé de vingt ans, marin de profession, né et demeurant à Bordeaux ;

8°· Cartier François, âgé de dix-neuf ans, marin de profession, né à Cettes (France), y domicilié ;

9°· Louis Maurice, âgé de trente-trois ans, charpentier de marine, né à Lorient (France), y demeurant ;

10°· Rogard-Yeves Guilloux, âgé de vingt-trois ans, cuisinier et charcutier de profession, né à Tredarzec (France), y domicilié ;

11°· Jean-Alexandre Herault, âgé de trente-trois ans, cuisinier et tailleur de pierre de profession, né à Jeanton (France), domicilié à Paris ;

12°· Louis Legallin, âgé de vingt-huit ans, marin de profession, né à Belle-Ile (France), y domicilié, naturalisé américain,

Accusés, *les quatre premiers*, de tentative de piraterie et de traite sur les côtes d'Haïti ; et de vol à main armée, avec violence et menace d'assassinat, commis au Grand Caïman, au préjudice du sieur Juan Cotès ; *et les huit derniers*, de tentative de piraterie et de traite sur les côtes d'Haïti, crimes prévus et punis par les articles 326, 329 et 331 du Code pénal, et les articles 2, 4, 5, 8 et 11 du titre 1er. et les articles 1, 3 et 5 du titre 2e. de la loi du 8 avril 1815, sur la piraterie ; et les susdits accusés ont été renvoyés pardevant le tribunal criminel pour y être jugés selon la loi ;

Déclare le ministère public, qu'en exécution de l'ordonnance susdite, ayant mûrement examiné les pièces de la procédure, il en est résulté les faits suivants :

Dans le courant du mois d'octobre de l'année passée, le capitaine Antonio Pelletier, qui avait été déjà signalé au monde entier, comme un ancien pirate et négrier, d'après les journaux d'Europe et des Etats-Unis, fit l'acquisition du navire le William,

qui avait été capturé avec plusieurs centaines d'hommes enlevés d'Afrique, dans le but de continuer cet infâme trafic de chair humaine.

Pour mieux cacher le but de son expédition ; qui était de faire la traite et la piraterie dans les mers et sur les côtes d'Afrique, l'accusé Pelletier s'embarqua de Mobile avec une petite quantité de bois de construction pour le port de Carthagène, où il se rendit avec un équipage assez nombreux qu'il avait recruté à la Nouvelle-Orléans, par des promesses fallacieuses, et auquel il avait caché son véritable but.

Quand le navire arriva à Carthagène, le maître du bord nommé Mayer, à qui l'accusé Pelletier avait confié le but de son voyage, en fit part à quelques-uns de ses camarades ; leur fit savoir que l'intention bien arrêtée de Pelletier était de faire la traite et la piraterie sur les côtes d'Afrique. L'accusé Pelletier fut tellement courroucé contre Mayer qu'il le maltraita cruellement et lui mit des menottes : cependant le maître Mayer, malgré ses fers, trouva le moyen de se sauver du bord, pendant la nuit, de se rendre à bord d'un navire de guerre anglais, qui se trouvait alors dans le port de Carthagène, et de dénoncer le capitaine Pelletier et le but criminel de son voyage.

L'accusé Pelletier, ayant vendu à Carthagène une partie de sa cargaison, et ayant l'intention de changer de direction, à cause, sans doute, de la dénonciation de Mayer, prit à fret une quantité de marchandises consistant en tabac, savon, maïs etc., appartenant au sieur Antonio Cano, vice-consul de S. M. B. et négociant à Carthagène. Son commis Mr. Juan Cotès, à qui ces marchandises avaient été confiées, s'embarqua donc sur le William avec son épouse, son enfant et un domestique pour Rio-Hacha : il y avait aussi à bord trois autres personnes de Carthagène : Césarin César, que l'accusé Pelletier avait engagé comme pilote, un jeune homme nommé Juan Guttierrez et le sieur Baïna.

C'est dans la traversée de Carthagène à Rio-Hacha, où le capitaine Pelletier ne voulut pas se rendre, afin de fuir le

Gladiator ce navire de guerre anglais, à Carthagène, dont il est parlé plus haut, que cet accusé commença à exécuter ses infâmes projets. Pour terroriser Mr. Cotès, il prétexta que son grand mât était brisé; que n'étant pas certain du temps qu'il aurait à passer en mer, il allait mettre tout le monde à la ration : en effet, bien qu'il eut une grande quantité de pipes d'eau, et des provisions pour plus de six mois, il priva d'eau et de nourriture Mr. Cotès et sa famille. Il réussit, par ce stratagème à effrayer tellement ce monsieur, qu'après lui avoir refusé de relâcher à la Jamaïque, cet homme s'engagea à payer une forte somme au capitaine Pelletier, si celui-ci consentait à le débarquer sur la terre la plus proche, qui était le Grand Caïman.

Arrivé au Grand Caïman, il le débarqua avec sa famille et le porta, après avoir menacé de l'assassiner, à tout légaliser par signature et à lui donner, par acte, toutes les marchandises qui avaient été confiées à ce monsieur, par le sieur Antonio Cano, s'élevant à plus de trois mille dollars : tels sont les actes de déprédation exercés par l'accusé Pelletier sur le sieur Cotès, actes qui réunissent le double caractère de piraterie et de vol à main armée, avec violence et menace d'assassinat.

Parti du Grand Caïman, le capitaine Pelletier toucha à Cienfuegos de Cube, dans l'intention, sans doute, de faire un commerce illicite en vendant Césarin César et Juan-Guttierez : mais, arrivé dans ce port, il fut découvert que le William était un négrier, car l'accusé ayant envoyé son canot à terre, avec le second du bord et trois hommes de l'équipage, ils furent arrêtés. Et Mr. Baïna raconte que ce n'est qu'à force d'argent que le capitaine, déjà connu comme pirate, réussit à sortir de Cienfuegos et à reprendre ses matelots.

Arrivé au Port-au-Prince après avoir laissé Cube, le capitaine Pelletier ne déclare pas être parti de Carthagène pour Rio-Hacha : il dit qu'il venait de la Nouvelle-Orléans avec une cargaison de planches et d'autres marchandises.

Sur la déclaration de Mr. Baïna, à la police générale, cinq des matelots du William ; que le capitaine Pelletier avait fait

emprisonner, de crainte qu'ils ne laissassent transpirer ses infâmes projets de traite et de piraterie, furent interrogés par les autorités locales et déclarèrent les menées du capitaine Pelletier, de Carthagène au Grand Caïman, delà à Cienfuegos, et de Cienfuegos ici. C'est sur la déclaration de Baïna et des cinq matelots Carlo Tiscornia, Juan Poux, Antonio Lovos, William Smith, et Pablos Rebautes, que le commissaire du gouvernement, le commandant de la place et d'autres autorités se rendirent à bord du William et constatèrent l'existence d'une quantité de vingt paires de menottes, quatre carabines de Colt, douze révolvers, deux quarts de poudre, des pipes vides en grande quantité, des provisions en masse, des couvertures de laine en grand nombre, et un faux pont en construction. Cela, joint à la déclaration de Vil Maximilien, citoyen haïtien, à qui le capitaine Pelletier s'était adressé pour avoir cinquante hommes et six femmes qu'il désirait engager, disait-il à Maximilien, pour faire du guano ; les manœuvres du capitaine Pelletier et les moyens d'intimidation qu'il employa pour échapper à nos investigations, se plaignant au consul américain de la conduite des autorités qui avaient visité son bord et qui avaient, disait-il faussement au consul, foulé sous leurs pieds le pavillon américain, tout cela prouve jusqu'à l'évidence que le but du capitaine Pelletier, après avoir échoué en partie dans son vaste plan de traite et de piraterie, était de se dédommager au moyen d'une certaine quantité d'hommes qu'il avait l'intention de nous enlever. S'il a été permis au capitaine Pelletier de partir du Port-au-Prince, après tout cela, ce n'était pas qu'il manquât de preuves pour asseoir sa culpabilité : c'est que le Gouvernement, dans sa sagesse, plutôt que de retenir Pelletier et son navire, avait mieux aimé laisser le coupable à la vigilance des nations philantropiques, dont les navires parcourent les mers pour punir promptement ces sortes de brigands, et à la justice divine qui ne tarda pas à se manifester. Il le laissa partir et envoya notre aviso de guerre le *Geffrard* à la piste du navire négrier. Dans la traversée, l'accusé Pelletier conçut l'idée de capturer le Geffrard : Il fit

confectionner des balles et des fusées par l'accusé Henri Millet, ci-devant mécanicien à bord de notre aviso, et qui était préposé à diriger les feux vers la sainte-barbe du Geffrard; cinq hommes furent envoyés à bord pour explorer le navire, sous le spécieux prétexte de prier le commandant du Geffrard d'arranger les chronomètres du William qui étaient dérangés. Les accusés, bien qu'ils nient tous, à l'exception de Miranda, le seul dénonciateur, que le capitaine Pelletier ait eu l'idée de capturer le Geffrard, ont unanimement déclaré néanmoins que des balles avaient été confectionnées par Henri Millet et qu'une députation avait été envoyée à bord du navire haïtien par l'accusé Pelletier. L'attitude du commandant Chassaing et de son équipage, la sommation énergique qu'il fit à ces envoyés de descendre immédiatement du bord et la difficulté, pour ne pas dire l'impossibilité, d'exécuter cet audacieux projet, le porta à y renoncer.

Il se vengea, toutefois, en changeant de direction continuellement, pour porter le Geffrard, disait-il à ses matelots, à user son charbon. Quand le Geffrard quitta le navire négrier dans le voisinage du Môle, le capitaine Pelletier louvoya plusieurs jours dans le canal, laissant la route de la Nouvelle-Orléans, pour le port auquel il avait été expédié du Port-au-Prince, commençant à mettre à exécution ses projets de piraterie, dans nos mers. Il avait dit à Miranda le maître d'équipage du William, que, pour se dédommager des 40,000 francs dépensés par lui au Port-au-Prince, il avait besoin de prendre sur nos côtes et sur nos habitations 150 hommes qu'il devait vendre comme esclaves à la Havane; et quand Miranda lui eut objecté que les haïtiens, étant libres et civilisés, il lui serait impossible de les enlever, l'accusé lui répondit: *nous en tuerons quelques-uns et les autres se laisseront bien prendre.* Miranda dépose aussi, que le capitaine Pelletier avait l'intention bien arrêtée de s'emparer de nos caboteurs qu'il trouverait chargés de café et de marchandises. C'est dans ce but qu'il continua à louvoyer si longtemps devant le Môle; qu'il alla à la Grande Inague, delà aux Cayes des Caïques et devant le Cap, d'où

il s'enfuit avec précipitation, sous le pavillon français, ayant reconnu le pilote du port.

Le capitaine Pelletier, qui avait manqué dans ses tentatives de piraterie devant le Môle, se dirigea sur la côte Nord-Est de l'Ile, toujours dans le même but. Il arriva au Fort-Liberté et arbora de nouveau le pavillon français. En entrant dans le port, il ordonna à l'équipage de l'appeler JULES LETELLIER ; d'appeler le navire le *Guillaume Tell* du Havre, venant de la Havane ; de dire qu'il venait d'essuyer des avaries et qu'il avait laissé une partie de sa cargaison au banc d'Argent. Ceci dit, il ordonna au charpentier de retirer le tableau qui portait le véritable nom du navire.

Cependant les autorités du Fort-Liberté se rendirent à bord : le capitaine, pour mieux les tromper, les reçut avec beaucoup d'affabilité. Il leur dit que son mât, ses chronomètres, son gouvernail étaient dérangés ; qu'il venait du banc d'Argent, où il avait laissé une partie de sa cargaison et qu'il avait besoin d'une cinquantaine d'hommes pour l'aider à l'enlever. Il leur déclara que le navire s'appelait le Guillaume du Hâvre, venant de la Havane, et qu'il était entré dans le port pour le réparer. Procès-verbal fut dressé ; l'accusé Pelletier le signa de ses mains, *Jules Letellier*.

Pelletier ne se contenta pas de demander 50 hommes ; il projeta un bal à bord dans l'intention de lever l'ancre avec les jeunes filles et les jeunes hommes du Fort-Liberté qu'il y aurait invités. Ses projets étaient aux demandes d'hommes et aux invitations, lorsque Miranda, le maître d'équipage, se sauva pendant la nuit et alla dénoncer le capitaine-pirate aux autorités du Fort-Liberté.

Sommation fut donnée par le général commandant la place à l'accusé Pelletier, de se rendre à terre avec ses papiers. Il s'y refusa obstinément et écrivit avec assez de hardiesse au général de l'endroit, dans le but de l'intimider et trouver le moyen de s'évader.

Cependant, la nuit de la fuite de Miranda et le jour qui la suivit, le capitaine Pelletier fut dans de vives agitations. Il

descendit lui-même avec l'accusé Urbain Castaing et quatre hommes armés de poignards et de révolvers, pour se saisir de Miranda mort ou vif, s'il était possible, tant il est vrai, qu'il redoutait son évasion.

L'accusé Pelletier prit la résolution de se sauver pendant la nuit. Il fit tirer 18 coups de révolvers dans la soirée pour intimider, et, vers les deux heures du matin, il leva l'ancre pour s'enfuir à la dérobée. Mais Dieu, qui le voyait quand il fesait massacrer impitoyablement onze malheureuses créatures humaines parmi les 530 nègres qu'il avait volés en Afrique, sous prétexte que ces hommes voulaient s'insurger ; Dieu qui avait assisté à la scène horrible de Grand-Caïman et à tant d'autres actes d'atrocité et de scélératesse commis par l'accusé Pelletier, ne permit pas que ce grand criminel échappât à la justice du pays, à laquelle il était reservé de châtier ses crimes : trois fois arrêté sur un banc de sable, le William tomba entre les mains des autorités du Fort-Liberté et échoua aussitôt qu'elles eurent mis les pieds à bord.

L'accusé et les complices furent interrogés au Fort-Liberté, expédiés au Cap et emprisonnés en vertu des ordres du vice-consul français du lieu ; puis remis au gouvernement. Tous les consuls des puissances étrangères représentées en Haïti, justement indignés de la conduite du capitaine Pelletier, ont officiellement déclaré abandonner l'accusé à la juridiction du pays.

Interrogé au Fort-Liberté et au Port-au-Prince, l'accusé Pelletier se retranche dans la dénégation la plus complète. Il nie positivement les faits qui lui sont reprochés à l'endroit de Mr. Cotès au Grand-Caïman. Il prétend qu'une affaire a été faite de bonne foi entre le sieur Cotès et lui ; que leurs transactions ont été légalisées par le consul américain de l'endroit. Mais que peuvent ses dénégations devant la déclaration du consul de S. M. Britannique, qui, sur la plainte du sieur Cotès, raconte les moyens cruels que le capitaine Pelletier employa pour s'emparer des marchandises du sieur Antonio Cano ! mais que peuvent ses dénégations devant la déclaration du sieur

Baïna qui est accablante pour lui ? D'ailleurs Mrs. Cotès et Antonio Cano, qui sont dans le pays, depuis quelques jours, sont arrivés expressément pour convaincre Mr. Pelletier des crimes dont il est accusé, à leur préjudice.

L'accusé fait des efforts, aussi, dans les divers interrogatoires qu'il a subis, pour commenter les faux commis par lui au Fort-Liberté, et pour se disculper de sa tentative de traite et de piraterie dans le Nord.

La lettre du consul américain du Cap, adressée au capitaine Pelletier lui-même, suffit à elle seule, pour prouver que l'accusé s'est conduit, dans le Nord, comme un véritable pirate. C'est, d'ailleurs, ce que le consul lui a positivement déclaré.

Il prétend qu'il a été contrarié par les vents, obligé de louvoyer plusieurs jours et d'aller à la Grande Inague faire de l'eau et du lest.

Les matelots ont déclaré qu'il n'y avait pas de vents contraires ; que le capitaine allait plutôt contre les vents, en deviant de sa route, et qu'il y avait à bord plus d'eau qu'il n'en fallait pour le voyage de la Nouvelle-Orléans.

Il prétend que s'il a changé de pavillon et de nom, et que s'il a donné une fausse dénomination à son navire, c'est parce qu'il craignait d'être maltraité au Fort Liberté, comme il l'avait été au Port-au-Prince : mauvais prétexte, il n'est pas probable que le capitaine Pelletier eut été maltraité sous son véritable nom et son pavillon avec ses papiers du Port-au-Prince pour la Nouvelle-Orléans : et en supposant même qu'il y eût eu du danger pour lui et qu'il eût été nécessaire à l'accusé, pour l'éviter, de changer de nom, de pavillon, et de dénaturer le nom de son navire, il n'eût pas été nécessaire que le capitaine Pelletier aurait faussement déclaré aux autorités du Fort-Liberté, que, revenant du banc d'Argent, où il avait laissé une partie de sa cargaison, il avait besoin de 50 hommes pour l'aider à l'enlever : d'ailleurs, le capitaine Pelletier est forcé d'avouer que, s'il eut été obligé d'exhiber ses papiers aux autorités du Fort-Liberté, après la dénonciation de Miranda et après les sommations qui lui furent faites, *il aurait été un peu*

embarrassé. Il est donc évident que son but était d'enlever nos hommes.

L'accusé Pelletier prétend qu'il n'a jamais été capturé sur l'*Ardenne;* cependant, il avoue qu'il avait commandé ce navire et qu'il avait déjà subi un jugement, (comme accusé de traite,) par suite duquel il a été reconnu *innocent.* Tous ces aveux viennent confirmer ce que les journaux étrangers rapportent des précédents criminels de l'accusé, ou du moins, leur impriment un cachet de vraisemblance frappante;

Tels sont les faits qui établissent la culpabilité du capitaine Pelletier et qui ont motivé son renvoi, pardevant le tribunal criminel.

Pour ce qui est des autres accusés embarqués de Mobile, Thomas Collar, Urbain Castaing, et John-Henri Brown, bien qu'il n'y ait rien au procès qui prouve qu'ils aient matériellement pris part aux crimes commis par l'accusé Pelletier, au Grand Caïman, à l'endroit de Mr. Cotès, mais cependant ayant déclaré dans leurs interrogatoires, à l'exception de Thomas Collar, que la conduite du capitaine, depuis Carthagène jusqu'au Fort-Liberté, leur avait paru suspecte; ne s'étant débarqués ni au Port-au-Prince ni au Fort-Liberté, et n'ayant pas dénoncé le coupable à temps opportun, il est à présumer que ces accusés avaient été, dans les confidences de Pelletier, et par conséquent doivent être considérés non-seulement complices des tentatives faites dans le Nord, par l'accusé, de même que les autres matelots et passagers du bord, mais encore des actes de déprédation et de vol commis, par le capitaine, au Grand Caïman.

Quant à Picault-Louis-Jean-Baptiste Benjamin et Millet Pierre Henri, qui ne s'étaient embarqués qu'au Port-au-Prince, à bord du William, il y a tout à présumer par les faits consignés dans leurs interrogatoires et les contradictions qui s'y trouvent, qu'ils avaient été dans les confidences du capitaine Pelletier, dès leur départ de ce port; il est même à présumer qu'ils s'étaient engagés avec l'accusé pour son projet de traite et de piraterie.

Pour ce qui est des autres accusés Alexandre Thibodeau, Cartier François, Louis-Maurice Rogard Yeves Guilloux, Jean-Alexandre Hérault, et Louis Legallin embarqués aussi du Port-au-Prince, il n'y a rien qui laisse à présumer qu'ils se fussent engagés avec le capitaine Pelletier pour l'aider à l'exécution de ses criminels desseins ; il y a même dans leurs interrogatoires beaucoup pour leur justification à cet égard et pour la condamnation du principal accusé. Cependant ces accusés ayant vu clairement, comme il l'ont déclaré, que la conduite du capitaine Pelletier dans le Nord était celle d'un pirate, et ayant eu plus d'une occasion pour le dénoncer au Fort-Liberté, à l'exemple de Miranda, et de se retirer du bord, ne l'ayant pas fait, peuvent-être considérés somme complices du dit capitaine, dans sa dernière tentative de traite et de piraterie sur les côtes d'Haïti.

En conséquence, les nommés :

1°. Antonio Pelletier, âgé de quarante-trois ans, capitaine au long-cours, négociant, né à Fontainebleau, demeurant et domicilié à New-York ;

2°. Urbain Castaing, âgé de vingt-sept ans, maître de langues de profession, né à Plaisance, domicilié à Mobile ;

3°. John Henry Brown, âgé de vingt-neuf ans, marin de profession, né à Quimper, naturalisé américain, domicilié à Boston ;

4°. Thomas Collar, âgé de trente-cinq ans, marin de profession et second de la barque William, né à Epping, naturalisé américain, demeurant et domicilié à New-York ;

5°. Picault-Louis-Jean-Baptiste Benjamin, âgé de quarante-cinq ans, commis de profession, né à Paris, demeurant au Port-au-Prince ;

6°. Millet-Pierre Henri, âgé de trente ans, mécanicien de profession, né à Salies, demeurant à Bordeaux ;

7°. Alexandre Thibodeau, âgé de vingt ans, marin de profession, né à Bordeaux, y demeurant ;

8°. Cartier François, âgé de dix-neuf ans, marin de profession, né à Cettes, y domicilié ;

9°· Louis Maurice, âgé de trente-trois ans, charpentier de marine, né à Lorient, y demeurant;

10°· Rogard Yeves Guilloux, âgé de vingt-trois ans, cuisinier et charcutier de profession, né à Trédarzec, y demeurant;

11°· Jean-Alexandre Hérault, âgé de trente-trois ans, cuisinier et tailleur de pierres de profession, né à Jeanton, demeurant à Paris;

12°· Louis Legallin, âgé de vingt-huit ans, marin de profession, né à Belle-Ile, y domicilié, naturalisé américain;

Sont accusés,

1°· Les quatre premiers, de piraterie et de vol à main armée, avec violence et menace d'assassinat, commis au Grand Caïman, au préjudice de Monsieur Juan Cotès; le premier comme auteur, les trois autres comme complices. 2°· Tous les douze de tentative de piraterie et de traite sur les côtes d'Haïti, le premier comme auteur et les onze autres comme complices, crimes prévus et punis par les articles 326, 329, 331, du code pénal; et par les articles 2, 4, 5, 8, 11 du titre 1er. et des articles 1, 3, 5 du titre 2e. (combinés) de la loi du 8 avril 1815, sur la piraterie.

Fait au Parquet du Port-au-Prince, le 1er. août 1861.

J. J. LILAVOIS.

LE MONITEUR HAITIEN.

N°· 38.

Le 24 août 1861.

EXHIBIT 5.

AFFAIRE PELLETIER ET CONSORTS.

Tribunal criminel du Port-au-Prince.

PRÉSIDENCE DE M. BOCO.

Audience de lundi 19 août.

A neuf heures du matin, les accusés sont introduits et le président du tribunal criminel procède à l'appel des jurés.

Au moment du tirage, les accusés expriment le désir de voir arriver leurs avocats, afin que ces derniers assistent à cette opération préliminaire.

A dix heures, les avocats de la défense arrivent et Me. Lavaud, l'un d'eux, déclare au nom de ses clients, qu'il assiste au tirage, sous toutes réserves et sans entendre nullement acquiescer à la juridiction du pays.

Après les récusations opérées par le ministère public, les accusés, quoique avertis de la faculté que leur donne la loi, s'étant abstenus d'en faire, le tribunal criminel prend siége à dix heures et demie. Monsieur J.-J. Lilavois, substitut du commissaire du gouvernement près le tribunal criminel occupe le parquet.

L'interprète juré se tient non loin des accusés qui sont au nombre de douze. Sur l'interpellation du président, ils déclarent se nommer :

1°. Antonio Pelletier, âgé de 43 ans, capitaine au long-cour, négociant, né à Fontainebleau (France), demeurant et domicilié à New-York :

2°. Thomas Collar, âgé de 35 ans, marin de profession, second à bord de la barque *William*, né à Epping (Angleterre), naturalisé américain, demeurant et domicilié à Boston ;

3°. John Henri Brown, âgé de 29 ans, marin de profession, né à Quimper (France), naturalisé américain, domicilié à Boston ;

4°. Urbain Casting, âgé de 27 ans, maître de langues de profession, né à Plaisance (France), domicilié à Mobile (Etats-Unis) ;

5°. Picaud-Louis-Jean-Baptiste Benjamin, âgé de 45 ans, commis de profession, né à Paris, demeurant à Port-au-Prince ;

6°. Millet-Pierre Henri, âgé de 30 ans, mécanicien de profession, né à Salies (France), demeurant à Bordeaux ;

7°. Alexandre Thibodeau, âgé de 20 ans, marin de profession, né et demeurant à Bordeaux ;

8°. Quartier François, âgé de 19 ans, marin de profession, né à Cettes (France), y domicilié ;

9°. Louis Maurice, âgé de 33 ans, charpentier de marine, né à Lorient (France), y demeurant;

10°. Rogard-Yeves Guilloux, âgé de 23 ans, cuisinier de profession, né à Tredarzec (France), y domicilié;

11°. Jean-Alexandre Herault, âgé de 33 ans, cuisinier et tailleur de pierre de profession, né à Jeanton (France), domicilié à Paris.

12°. Louis Legallin, âgé de 28 ans, marin de profession, né à Belle-Ile (France), y domicilié, naturalisé américain.

Maîtres J.-A. Lavaud, Linstant Pradine, P.-N. Valcin, Clavier, Quiqueron et Rimpel sont au banc de la défense.

Le greffier en chef du tribunal criminel, Monsieur J.-M. Duvet, donne lecture de l'ordonnance de renvoie et de l'acte d'accusation. Immédiatement après cette lecture Maîtres J.-J. Saint-Amand, Archin et H. Chance demandent acte de leur constitution comme partie civile au procès pour et au nom des sieurs Juan Cotès et Antonio Cano.

Me. Linstant, s'y oppose et prend les conclusions suivantes qui sont aussi signées de Me. Lavaud:

" Attendu que le concluant n'est pas justiciable des tribunaux de la République; attendu qu'il ressort de l'acte d'accusation et de l'ordonnance de la chambre du conseil que Messieurs Cotès et Cano se sont plaints de ce que le concluant aurait employés des moyens de violence pour extorquer des marchandises à Cotès, et ce, en pleine mer, sur un bâtiment américain, la barque *William*.

" Attendu qu'il serait facile au concluant de prouver la fausseté, si besoin était, de cette assertion, par des pièces qui constatent que lesdites marchandises lui ont été vendues au Grand-Caïman, une des dépendances anglaises: preuves que le concluant ne fournirait qu'à ses juges naturels.

" Attendu que le sieur Cotès ainsi que le concluant sont deux étrangers;

" Attendu que le fait de violence reproché au concluant par Cot s, s'il était exact, ce qui n'est pas, aurait été commis dans le domaine commun de la pleine mer, qu'en conséquence le

principe de l'indépendance du pavillon défère forcément la compétence aux tribunaux du pays auquel le navire appartient ;

" Attendu que l'exacte observation des règles de la compétence intéresse essentiellement l'ordre public ; que le juge doit toujours examiner sa compétence et y statuer par une décision préalable ;

" Attendu qu'il est de principe général que les lois criminelles sont essentiellement territoriales, et que le droit de punir n'étant qu'une conséquence du droit de souveraineté, la juridiction de chaque nation est bornée par les limites de son territoire et ne peut s'étendre à des faits commis à l'étranger ;

" Attendu que les mêmes principes sont consacrés en Haïti, et que les tribunaux haïtiens sont incompétents, non seulement pour connaître des différents existants entre étrangers, mais encore des crimes et délits commis par des étrangers, soit en pleine mer, soit en pays étrangers, soit même en Haïti ;

" Attendu qu'il ressort également de l'acte d'accusation et de l'ordonnance de la chambre du conseil que le concluant est accusé de tentatives de piraterie et de traite sur les côtes d'Haïti et nullement d'assassinat ni de tentative d'assassinat ;

" Attendu que la menance d'assassinat dont il est fait mention dans l'acte d'accusation et dans l'ordonnance susdite n'a trait qu'à Cotès et n'aurait eu lieu, si c'était vrai, qu'en pays étranger ;

" Attendu que pour que le concluant fût justiciable des tribunaux haïtiens, il faudrait qu'il eût commis assassinat, ce dont il n'est pas accusé ;

" Qu'il plaise au tribunal, vu l'art. 5, titre 1er. de la loi du 24 août 1808, sur l'organisation des tribunaux ; l'art. 5, titre 2 de la loi du 8 avril 1815, sur la piraterie ; les dispositions du décret du 9 septembre 1845, le tout combiné avec la circulaire du secrétaire d'Etat de la justice en date du 24 mai 1845 et les art. 3 et 4 de la loi du 19 novembre 1839, sur la répression de la traite,

" Se déclarer purement et simplement incompétent pour con-

naître de l'intervention de Cotès et Cano et de l'action criminelle intentée contre Pelletier,

" Ce sera justice."

Puis développant les conclusions ci-dessus, il soutient que le fait reproché à son client par Cotès et Cano, ayant été commis en pleine mer, échappe à la juridiction haïtienne. L'ordre public, dit-il, n'ayant pas été troublé en Haïti par le crime reproché à Pelletier, comment le ministère public peut-il le poursuivre ? le fait, ajoute-t-il, s'est commis en pays étrangers, les tribunaux de la République sont incompétents pour statuer, et, à l'appui de son argumentation, il invoque, non seulement la jurisprudence française, mais encore celle du tribunal de cassation d'Haïti.

Me. Linstant s'étonne que cette affaire soit mise sur le tapis en cette ville, car, assure-t-il, la commission nommée pour examiner la question avait engagé le gouvernement à remettre les accusés à leurs consuls, pour qu'ils fussent jugés dans leurs pays.

Me. Archin désire savoir si c'est le principal accusé seul qui décline la compétence du tribunal. Les avocats de la défense déclarent qu'ils adoptent tous pour leurs clients le système soutenu par Me. Linstant.

Me. Lavaud obtient la parole, il regrette de ne pouvoir accepter la juridiction. L'accusation portée contre Pelletier le froisse comme haïtien, car il ne peut pas croire qu'il y ait en Haïti des gens qui consentent à se laisser enlever par un pirate. il donne de grands développements aux conclusions déjà prises par Me. Linstant.

Le président du tribunal fait observer à Me. Lavaud qu'il fait perdre un temps précieux, en revenant ainsi sur ce qu'a déjà dit son confrère.

Me. Lavaud, continuant, assure que le consul américain au Port-au-Prince a protesté contre l'instruction et a réclamé Pelletier et ses co-accusés.

Maîtres Saint-Amand, Archin et Chance prennent des conclusions que voici, pour repousser les prétentions des accusés :

" Premièrement :

" Attendu en droit, qu'aux termes de l'art. 5 du code civil d'Haïti, les lois de police et de sûreté sont obligatoires pour tous ceux qui habitent le territoire de la République ;

" Attendu que le code d'instruction criminelle de la République porte que tout Haïtien qui se sera rendu coupable hors du territoire d'Haïti d'un crime attentoire à la sûreté de l'Etat, de contrefaçon de monnaies ayant cours de papiers nationaux, de billets de banque autorisés par la loi, sera aussitôt qu'il sera saisi, poursuivi, jugé et puni en Haïti, d'après les dispositions des lois Haïtiennes ;

" Et (art. 61) que cette disposition sara étendue aux étrangers qui, auteurs ou complices des mêmes crimes, seraient arrêtés en Haïti ;

" Attendu que ces principes, conformes au droit public des gens, consacrent la règle suivante :

" Que la punition des crimes attentoires à la sûreté de l'Etat, commis même hors du territoire d'Haïti, soit par un haïtien, soit par un étranger, appartient aux tribunaux d'Haïti, et que ces sortes de crimes doivent êtres jugés et punis en Haïti, d'après les lois criminelles Haïtiennes ;

" Que cette règle basée sur la justice et adoptée par toutes les législations anciennes et modernes, prend sa source dans la souveraineté de chaque nation et dans son droit de veiller à sa propre sûreté, de protéger chacun de ses membres ;

" Attendu que les crimes de piraterie et de traite, reprouvés et punis dans tous les pays régis par des lois, sont des crimes de lèse-humanité, attentoires à la sureté de toutes les nations ;

" Que la répression et la punition de ces crimes appartiennent à la juridiction de la nation sur le territoire de laquelle les coupables ont été saisis ;

" Que les baies, rades et ports ainsi que la portion de mer longeant les côtes d'un territoire et jugés nécessaires à sa défense, font partie de ce territoire ;

" Attendu en fait, que la barque William, Antonio Pelletier, capitaine de la dite barque et les hommes de son équipage ont

été capturés dans la baie du Fort-Liberté, dépendant du territoire de la République d'Haïti, sous la prévention de piraterie et de traite ; que partant les tribunaux Haïtiens sont compétents pour poursuivre, juger et punir ces crimes et leurs auteurs et complices nonobstant leur qualité prétendue d'étrangers ;

" Attendu que le dit capitaine Antonio Pellotier et son équipage ont été renvoyés devant le tribunal criminel du Port-au-Prince, pour être jugés conformément aux lois Haïtiennes, par une ordonnance de la chambre du conseil du tribunal civil de ce ressort, en date du 25 juillet 1861 ;

" Que cette ordonnance, qui a renvoyé la cause et les parties en l'état devant le tribunal criminel, assisté du jury, ne pourrait être réformée que par le tribunal de cassation dans le délai fixé par la loi ;

" Attendu que ce délai est expiré sans que ledit Antonio Pelletier et ses complices se soient pourvus en cassation contre ladite ordonnance qui, par conséquent, a acquis l'autorité de la chose jugée ;

" Attendu qu'en l'état de l'instruction et en l'absence du pourvoir régulier, aucune exception de nullité ni d'incompétence ne peut arrêter ni retarder le jugement ;

" Que s'il est vrai que l'exception d'incompétence est d'ordre public et peut être présenté en tout état de cause en matière civile, où le juge est tout à la fois juge du droit et du fait, il n'en est pas de même en matière criminelle dont l'instruction est tracée impérativement par la loi ;

" Que l'exception d'incompétence non relevée dans le délai fixé pour le pourvoi en cassation devient un moyen de cassation qui ne peut être présenté qu'après le jugement définitif, devant le tribunal de cassation, seul habile à en connaître, si toutefois l'incompétence est d'ordre public, mais qu'en aucun cas, l'exception ne peut être opposée ni au ministère public ni au plaignant partie civile, sous forme de non recevoir, devant les juges du tribunal criminel qui n'ont pas le pouvoir de réformer l'ordonnance de renvoi ;

" Qu'autrement, il en résulterait qu'une section du tribunal

pourrait, reformer la décision d'une autre section, chose inouïe en procédure, et contraire au principe qui n'admet la réformation d'une décision que par un tribunal supérieur à celui qui l'a rendue.

" Deuxièmement :

" Attendu encore, en droit et au fond, que le crime de piratrie étant attentoire à la sûreté de tous les peuples et puni par toutes les législations, il a été reconnu en principe et consacré par le droit public des gens, que les pirates qui ne reconnaissent ni lois ni pavillons ni amis ni ennemis sont mis au ban des nations et hors du droit des gens ;

" Que, par conséquent, la répression et la punition de tous les crimes par eux commis, en quelque temps et quelque lieu que ce soit, appartiennent par droit de souveraineté à la juridiction de la nation qui, la première, les a saisis sur son territoire ou en pleine mer ;

" Que c'est par cette considération que dans l'art. 4 du titre 2 de la loi sur les pirates du 8 avril 1815, le législateur Haïtien a dérogé au droit commun consacré par l'art. 5 du titre 1er. de la loi du 24 août 1808 ;

" Attendu que le droit du répression d'un crime comprend non seulement la punition de ce crime, mais encore le droit d'en réparer toutes funestes conséquences à l'égard de ceux qui en ont été les victimes, quelques soient leur qualité et leur nationalité ;

" Attendu encore en droit, que le crime de piratrie est un de ces crimes que l'on appelle complexes et qui se composent d'éléments divers et de faits successifs ;

" Que, de ce principe, il résulte que tous les crimes et délits successifs commis par un pirate, soit dans le cours d'un même voyage, soit antérieurement, ne forment qu'un seul et même crime appelé piraterie ;

" Que c'est par cette considération et pour ce motif que les législateurs de tous les pays, en conservant toujours le même nom de piraterie à ce crime, ont établi une gradation dans la

peine, gradation qui a pour base le plus ou moins de gravité des éléments et des faits qui composent ce crime ;

" Attendu encore que ces principes sont conformes aux règles de la connexité des crimes, enseignées par les criminelistes et consacrées par la jurisprudence, et selon lesquels il y a connexité toutes les fois que les crimes ont été commis par suite d'un concert formé à l'avance quelsque soient d'ailleurs les temps et les lieux ;

" Attendu en fait que la soustraction frauduleuse de marchandises commise par Antonio Pelletier avec menaces et violences au préjudice des sieurs Cotès et Cano, parties plaignantes et a été commise dans le cours du voyage dudit Antonio Pelletier, du port de Mobile, son point de départ, à son arrivée en Haïti où il a été capturé, et où les marchandises ont été par lui vendues, en les faisant passer pour sa propriété au moyen des actes frauduleux, extorqués tant en pleine mer qu'à l'ile du Grand Caïman, au sieur Jean Cotès qui les avaient embarquées à bord du *William*, à destination de Rio-Hacha, moyennant un frêt ;

" Attendu que sur la plainte adressée au juge d'instruction de ce ressort, par le sieur Cotès, affreteur, et le sieur Cano, propriétaire desdites marchandises, lesquels ont déclaré dans ladite plainte se porter partie civile; l'ordonnance de la chambre du conseil de ce ressort a relevé cette soustraction frauduleuse et l'a comprise dans les faits imputés au capitaine Pelletier ;

" Attendu qu'en cet état de choses les deux parties plaignantes sont déjà parties-civiles en la cause, n'ont point à demander à y intervenir et ne peuvent plus en être écartées pour quelque motif que ce soit ;

" A ces causes et motifs, et tous autres à suppléer de droit et d'équité ;

" Plaise au tribunal déclarer Antonio Pelletier et ses co-accusés non recevables en leur exception, en tous cas les en débouter, ordonner qu'il soit passé outre au jugement de la cause, et les condamner aux dépens et ce sera justice."

Messieurs, dit Me. Saint-Amand, vous avez entendu un des conseils des accusés dire: Cette accusation me froisse. Eh! bien moi, cette accusation m'honore. Je m'honore du rôle que j'ai accepté dans cette cause; elle me procure une nouvelle occasion de servir mon pays.

Il soutient que trois moyens doivent faire rejetter l'exception soulevée par les accusés:

1°. L'ordonnance de la chambre du conseil qui les renvoie au criminel a acquis autorité de chose jugée, pour n'avoir pas été attaquée dans le délai tracé par l'art. 205 du code d'instruction criminelle.

2°. La prévention de piraterie établit contre Pelletier, le met hors du droit des gens, il est donc justiciable du pays où il est pris. Me. Saint-Amand lit à ce propos, un procès-verbal, constatant l'opinion de tous les représentants des puissances étrangères accrédités en Haïti, où dans une réunion qui eut lieu au ministère des affaires étrangères, ils reconnaissent tous que les tribunaux d'Haïti peuvent juger Pelletier et ses complices.

Il donne aussi lecture d'une lettre du consul américain du Cap-Haïtien, dans laquelle cet agent, répondant à Pelletier, lui dit, Vous êtes un pirate et je ne puis vous accorder la protection que vous demandez.

3°. Le tribunal étant saisi de la soustraction frauduleuse reprochée à Pelletier par ses clients, par l'ordonnance de la chambre du conseil, il y a une telle connexité entre ce crime et celui de piraterie, que le tribunal ne peut pas repousser la partie civile, comme le pensent les avocats de la défense.

Puis, pour clore sa plaidoirie, Me. Saint-Amand lit une note extraite de l'ouvrage de Me. Linstant, sur les lois d'Haïti où il reconnaît que le pirate est justiciable du gouvernement qui le saisit.

Il est trois heures et demi l'audience est renvoyée à demain à huit heures précises.

—

Audience de mardi 20 août.

Une foule compacte encombre l'enceinte du tribunal criminel

dont les abords sont gardés par une forte garde. Des commissaires de police circulent dans la salle.

A neuf heures du matin les accusés accompagnés de garde sont introduits.

L'audience est ouverte et Me. Lavaud se lève et prend de nouvelles conclusions pour repousser celles prises hier par les avocats de la partie civile, les voici :

" Attendu que Messieurs Cotès et Cano, n'étant pas parties en cause, ne peuvent en aucun cas exciper de l'ordonnance de la chambre du conseil, en ce que ce n'est point sur leur plainte que la procédure criminelle a été instruite contre Polletier ; ils se sont adjoints clandestinement à l'accusation et nullement signifiée au concluant ; et alors même que cette plainte eut été signifiée, Cotès ne pouvait pas se servir de l'ordonnance non attaquée pour opposer une forclusion qui, alors même qu'elle eût existé dans nos lois, ne pourrait nullement être opposé au concluant, parce qu'il est généralement reconnu que les lois criminelles sont essentiellement territoriales et ne peuvent en conséquence atteindre les faits commis par des étrangers sur un territoire étranger ;

" Attendu que la distinction admise en matière civile entre l'incompétence à raison de la matière et l'incompétence à raison de la personne, n'existe point en matière criminelle ;

" Attendu que le concluant, n'étant pas justiciable des tribunaux haïtiens, ne pourrait sans être inconséquent avec lui-même, reconnaître la juridiction du tribunal supérieur d'Haïti, tous ses devoirs se bornaient à attendre qu'il comparut devant les juges chargés de le juger d'autant plus que le concluant savait qu'Haïti l'accusant était autorisée, d'après ses propres lois, à instruire le procès contre lui et rien de plus ;

" Attendu que les faits de piraterie et de traite dont on accuse le concluant ont été régis par des lois particulières, qu'en conséquence l'incompétence est absolue et peut être proposée en tout état de cause, puisque le tribunal peut lui-même d'office le déclarer ;

" Attendu que l'art. 205 du code d'instruction criminelle

n'est nullement applicable en l'espèce, du principe incontestable que les lois criminelles sont essentiellement territoriales, que ce principe est en harmonie avec cet article, puisqu'il n'est permis de demander la nullité d'une ordonnance de la chambre du conseil que dans les trois cas suivants : 1°. Si le fait n'est pas qualifié crime par la loi. 2°. Si le ministère public n'a pas été entendu. 3°. Si l'ordonnance n'a pas été rendu par le nombre de juges suffisant ;

" Attendu qu'en face de cet article la demande en nullité serait une absurdité qui serait légalement rejetée, puisqu'aucun des trois seuls cas d'attaque n'existe dans la dite ordonnance ;

" Attendu, pour ce qui a trait à la connexité dont parlent les adversaires, elle ne git que dans leur imagination, en ce sens, qu'il ne peut raisonnablement être appréhendé que des magistrats sérieux se laisseront jamais persuader qu'une transaction commerciale passée au Grand Caïman entre deux étrangers, puisse être connexe avec une tentative de piraterie et de traite sur les côtes d'Haïti, comme est accusé le concluant : Si un tel précédent pouvait être établi, ce serait méconnaître non-seulement les lois d'Haïti, mais encore celles de tous les autres peuples civilisés ;

" Attendu que même la confiscation prononcée dans nos lois spéciales serait une chimère, en ce sens, que cette confiscation qui doit être faite au profit de la République serait uniquement dans l'intérêt d'individus n'y ayant aucun droit ;

" Attendu qu'un tel procédé convient aux adversaires, parce qu'ils savent que le concluant est dans l'impossibilité matérielle de démasquer leurs mauvaises prétentions, 1°. parceque le concluant n'a pas pu avoir malgré toutes les promesses faites et les ordres donnés, ni les papiers, ni même leurs copies, quand, au contraire, les adversaries les ont eus et les ont peut-être encore ; 2°. parceque, en l'absence de ces documents, le concluant ne peut faire comparaître les témoins de l'affaire qui sont et qui ne peuvent être qu'au Grand Caïman ;

" Attendu qu'une telle procédure ne peut être admise et ne

tendrait à rien moins qu'à consacrer qu'on puisse condamner un accusé sans qu'il ait pu se défendre ;

" Plaise au tribunal rejeter les conclusions des adversaires et nous adjuger les précédentes et celles-ci."

Il soutient que Cotès n'a pas pu être menacé par son client au Grand Caïman, car il y avait des autorités espagnoles près de qui la réclamation en aurait pu être faite.

Comment donc peut-il venir en Haïti se plaindre. Puis, continuant Me. Lavaud soutient que dans l'affaire de Pelletier le gouvernement n'avait qu'une seule chose à faire pour rester dans la loi: C'est l'instruction; cette instruction faite, les accusés doivent être remis à leurs consuls.

Il se plaint avec feu de ce qu'il n'a pu avoir copie d'aucune pièce du dossier, cependant la loi lui accordait cette faculté. Me. Lavaud avance que le greffier du tribunal lui a dit en présence des témoins que le substitut du commissaire du gouvernement lui avait dit de ne pas délivrer les copies gratis aux accusés. Mr. J. Lilavois demande acte de ces paroles et proteste contre cette insinuation malveillante.

Me. Chance a mission de prouver que Pelletier et ses complices sont justiciables des tribunaux d'Haïti. Il s'étonne que l'on ait pu dire hier dans cette enceinte, que l'agent commercial des Etats-Unis avait réclamé les accusés, et en vertu de quel droit Mr. Lewis agirait-il ainsi ? Existe-t-il entre Haïti et les Etats-Unis un traité d'extradition ? Non, dit-il, Pelletier et ses complices ne peuvent donc pas être remis à leurs consuls, ils doivent subir leur jugement en Haïti. Pour appuyer son argumentation, Me. Chance cite l'opinion de savants jurisconsultes et termine ainsi sa plaidoirie: si dans une partie de l'Ile, on a eu le spectacle d'un peuple déposant sa souveraineté nationale aux pieds du trône d'une reine puissante, il ne sera pas dit, qu'ici, des juges intègres et éclairés ont déposé la souveraineté nationale aux pieds de quelques forbans.

Me. Archin demande la parole pour établir qu'il y a connexité entre la soustraction frauduleuse commise par Pelletier

au préjudice de la partie civile et le crime de piraterie. Mais avant d'aborder ce sujet, Me. Archin sent la nécessité de dire au tribunal comment il est étonné de voir parmi les avocats de ces pirates, un avocat distingué, un lauréat qui a eu l'honneur de voir couronner son ouvrage sur l'abolition de l'esclavage. Me. Archin repousse les arguments établis par les conseils des accusés et prouve, avec la jurisprudence étrangère que l'intervention de ses clients ne peut être contestée valablement. Le crime de piraterie et la soustraction frauduleuse reprochés à Pelletier forme un tout, et il n'appartient pas au tribunal de modifier l'accusation portée contre les accusés.

Me. Saint-Amand ajoute peu de mots à ce que vient de dire si bien son confrère.

Il termine en demandant au tribunal de faire droit aux conclusions posées pour la partie civile.

Me. Linstant répond aux trois avocats de Messieurs Cotès et Cano, et demande au tribunal de repousser la partie civile et de se déclarer incompétent pour juger cette cause.

La parole est accordée au ministère public.

Il repousse avec force l'accusation lancée par Mr. Lavaud contre le parquet tendant à établir qu'il a empêché de donner copie des pièces aux accusés, que les pièces dont ils ont demandé copie sont restées au greffe à leurs ordres jusqu'au lundi de cette semaine, et qu'il ne les a reprises du greffier qu'au moment de l'ouverture du tribunal criminel. Il examine l'exception soulevée contre l'admission de la partie civile et le déclinatoire proposé contre la juridiction, il conclut au rejet de l'une et de l'autre.

Le tribunal ordonne le dépôt des pièces pour en être délibéré et le jugement prononcé à l'audience de demain.

La séance est levée à une heure un quart de l'après-midi.

—

Audience du 21.

Le tribunal prend siége à dix heures, les accusés sont introduits et Monsieur Boco, président du tribunal criminel pro-

nonce le jugement suivant, vidant l'incident plaidé aux audiences d'hier et d'avant hier :

AU NOM DE LA RÉPUBLIQUE.

Considérant que les étrangers ne sont pas justiciables des tribunaux du pays pour les dettes civiles contractées entre-eux ;

Considérant que l'action intentée par Cano et Cotès contre Pelletier étant purement civile et étant contre un étranger n'est pas de la compétence des tribunaux haïtiens ;

Considérant qu'à plus forte raison le crime que Cano et Cotès prétendent avoir été commis à leur préjudice ne saurait être soumis à la répression de la justice haïtienne, l'action civile et le crime qui lui a donné naissance ayant eu lieu dans les mers ou sur le territoire d'une puissance étrangère ;

Considérant qu'il ne peut exister de connexité entre affaire Cano et Cotès arrivée en pays étranger et les poursuites dirigées par le ministère public au nom des intérêts haïtiens : il y a si peu de connexité entre ces deux actions, que sans l'échauffourée de Pelletier au Fort-Liberté la justice du pays n'aurait pas eu le droit ni la volonté de s'occuper de la plainte de ces deux étrangers quelque fondée qu'elle soit ;

Par ces causes et motifs le tribunal, après en voir délibéré, annule le premier chef du déclinatoire proposé par Pelletier et ses co-accusés, dit et declare que les sieurs Cano et Cotès sont inhabiles en leur qualité d'étrangers à se constituer partie civile au procès intenté par le ministère public contre Pelletier et consorts, dit qu'il n'existe point de connexité entre ce procès et l'action dont se plaignent Cano et Cotès et condamne ces derniers aux dépens.

Mais considérant que, tant par sa teneur et son esprit, la loi du 6 avril rend justiciable des tribunaux du pays tout fait de piraterie, que les prévenus soient haïtiens ou étrangers ;

Considérant que l'article 5 de la loi du 24 août 1808, n'est pas applicable en l'espèce, puisque cet article ne concerne que les délits et crimes commis en rade ou dans nos eaux par les marins sur leur propres bâtiments et contre leurs officiers et

camarades de bord : Ce sens est rendu évident par la dernière partie de l'article qui dispose que, les poursuites seront faites à la requête des capitaines, géreurs ou subrécargues, c'est-à-dire par les officiers du bord dont l'autorité aurait été méconnue ;

Considérant que l'article 6 de la même loi dispose que hors ce cas unique, les étrangers peuvent être poursuivis et punis par les tribunaux de la République ;

Considérant que Pelletier et consorts étant prévenus de crimes autres que ceux de révolte, de sédition à bord des bâtiments où ils sont engagés, ne peuvent valablement décliner les tribunaux du pays ;

Considérant que ce n'est pas la preuve du fait, mais le titre de l'accusation qui détermine la compétence des tribunaux ; qu'ainsi l'ordonnance de la chambre du conseil, ayant renvoyé Pelletier et consorts devant le tribunal sous la prévention de piraterie et d'actes de traite, les constitue justiciables des tribunaux criminels du pays ;

Par ces causes et motifs *le tribunal* après en avoir délibéré se déclare compétent à juger la prévention portée contre Pelletier et consorts et déboute les dits prévenus de leur déclinatoire, comme mal fondé en droit et ordonne la continuation des poursuite, et condamne les demandeurs aux dépens ; immédiatement après, Me. J. St.-Amand demande à prendre des conclusions. Le président lui répond que le jugement qui vient d'être prononcé lui retire toute qualité au procès actuel, et que, par conséquent, il ne peut prendre la parole. Me. St.-Amand demande acte de ce refus.

Il est onze heures et demie l'audience est renvoyée et sera reprise à deux heures de l'après-midi.

A deux heures l'audience est reprise et le substitut du commissaire du gouvernement annonce qu'il s'est pourvu en cassation contre le jugement rendu ce matin et demande le renvoi de l'affaire à la fin de la session. Malgré les oppositions des accusés, ce renvoi est ordonné.

LE MONITEUR HAITIEN.
N°. 39.
Le 31 août 1861.

EXHIBIT 6.

TRIBUNAL DE CASSATION.

Séance extraordinaire du vendredi 23 août.

Présidence de J. P. DAUPHIN.

A dix heures du matin le tribunal prend siège — le parquet est occupé par Monsieur D. Lallemand, substitut du commissaire du gouvernement.

Le doyen annonce que la cause sur laquelle le tribunal va tatuer, a été introduite à l'extraordinaire, en vertu des ordres du ministre des finances, chargé provisoirement du portefeuille de la justice.

C'est le recours du substitut du commissaire du gouvernement, près le tribunal criminel du Port-au-Prince, contre le jugement rendu par le dit tribunal le 21 août courant.

Le doyen saisit cette occasion, qui réunit au tribunal de cassation un auditoire nombreux et presque tous les avocats du ressort, pour annoncer la mort de Mr. J. M. Duval, sénateur et ancien magistrat. Cette fatale nouvelle nous est parvenue, dit Mr. le doyen, ce matin par la poste. Il rapelle les brillantes qualités du défunt comme juge et comme sénateur, et dit que le tribunal de cassation s'associe à la douleur générale qu'a causée ce triste évènement.

Mr. J. J. Saint-Amand, au nom des avocats de la capitale, prend la parole et rappelle en peu de mots, combien a été active la carrière qu'a suivie le sénateur Duval. Il est mort, dit-il, au service de la patrie qui lui sera reconnaissante.

Immédiatement après le rapport du juge D. Lafond — Mr. J. Saint-Amand, pour la partie civile, développe les trois moyens présentés à l'appui du pourvoi. Nous regrettons de ne pouvoir ici, reproduire l'éloquente plaidoierie de cet avocat.

Le substitut du commissaire du gouvernement demande la communication des pièces et le lendemain matin il fait le réquisitoire suivant :

" Messieurs,

" La piraterie est un crime que toutes les nations policées se font le devoir de poursuivre, lorsque ses auteurs tombent en leur possession, Pourquoi ? parce que les pirates ne respectent ni nation, par conséquent ni pavillon ; en un mot s'armant contre l'humanité et se révoltant contre le droit des gens, ils n'ont point de patrie.

Pelletier traduit devant le tribunal criminel du Port-au-Prince, pour fait de piraterie, d'après une ordonnance de la chambre du conseil, a soulevé un déclinatoire qui n'a été accueilli que pour ce qui a trait à la partie civile.

L'ordonnance de renvoi n'a point été déférée en cassation, ni pour incompétence, ni pour les cas énumérés en l'art. 205 du code d'instruction criminelle. De là, il résulte que le tribunal criminel est légalement saisi de l'accusation portée contre Pelletier et consorts.

En France, la jurisprudence n'est point restée stationnaire ; la cour de cassation par divers arrêts rendus en 1813, 1815, 1816, 1820, 1825, etc., etc., a consacré que les arrêts de mise en accusation sont obligatoires pour les cours d'assises, quand ils n'ont pas été attaqués dans les délais légaux, et que ces cours ne peuvent pas se déclarer incompétentes pour prononcer.

Une autre question se presente : Pelletier et consorts, doivent-ils être jugés pour des faits commis au Grand Caïman ?

Je reconnais par l'ordonnance de la chambre du conseil que ces faits sont connexes aux faits par eux commis au Fort-Liberté. Tous ces faits indistinctement sont qualifiés de piraterie et de tentative de piraterie.

Voici comment la chambre du conseil s'est exprimée à cet égard : Pelletier, dit cette chambre, depuis son départ de Mobile, jusqu'au moment de son arrestation au Fort-Liberté, a

constamment marché dans la voie du crime, ses démarches ont été toujours fausses. Il s'est couvert plusieurs fois du pavillon français, dans le but de commettre des déprédations tant sur les navires haïtiens, que sur les navires étrangers, s'il lui était possible.

Ces faits, Messieurs, se lient les uns aux autres; ils sont indivisibles. Qui peut les diviser, en présence surtout d'une ordonnance passée en forme de chose jugée ?

Des délits successifs, dit la cour de cassation de France, commencés en France, prolongés ou consommés en pays étranger, ou *vice versâ* peuvent être poursuivis et jugés en France. L'ordonnance de la chambre du conseil ne s'est point écartée de ces principes.

Je vous disais que les pirates n'ont point de nations, et qu'ils ne connaissent pas de pavillons ; ils se masquent en effet sous tous les pavillons.

Ainsi dans un sens général et absolu, nos législateurs de 1815 ont consacré dans l'art. 3 de la loi, spéciales à la piraterie les dispositions suivantes :

Tout individu atteint et convaincu de piraterie et qui n'aurait point commis d'assassinat sera condamné à cinq ans de fers, et en cas de récidive à dix années pareillement de fers : Messieurs, contre les pirates, toutes les nations s'entendent pour les poursuivre et les punir.

Arrêtez-vous à la généralité des expressions de l'art. 1er. de la loi de 1815, vous serez convaincu de cette vérité.

Cet article s'exprime ainsi : Tout individu atteint ou convaincu de piraterie et qui a commis des assassinats sur mer sur n'importe quel bâtiment, sera puni de mort. Comment le tribunal criminel du Port-au-Prince a-t-il pu donner une si mauvaise interprétation à l'article sus-énoncé ?

Mais, Mrs., pourquoi recourir jusqu'aux auteurs étrangers pour prouver jusqu'à l'évidence les erreurs grandes du dit tribunal, lorsqu'en 1823 le tribunal de cassation d'Haïti a bien interprété cet article, en soustenant qu'en principe, il ne peut être admis des limites circonscrites par la répression de la pira-

terie, laquelle répression peut s'étendre à trois cents lieues et hors des limites juridictionnelles de la République; arrêt qui est d'accord avec toutes les législations et qui s'incline majestueusement devant le droit des gens.

Que dit, Mrs., le jugement dénoncé? Ce n'est pas, affirme-t-il, la preuve du fait, mais le titre de l'accusation qui détermine la compétence des tribunaux. D'après ce raisonnement et les faits caractérisés par la chambre du conseil, en outre d'une loi spéciale, le tribunal criminel du Port-au-Prince ne doit point admettre en partie le déclinatoire proposé par les accusés de piraterie et de tentative de piraterie.

Ainsi, en jugeant comme il l'a fait, ce tribunal a manifestement violé le droit des gens, les dispositions générales de la loi de 1815 sur la piraterie, divers articles du code d'instruction criminelle, et commis par suite un excès de pouvoir.

Par ces motifs, je conclus à la cassation de ce jugement et à l'admission des conclusions des demandeurs en cassation.

Le tribunal ordonne le dépôt des pièces et à deux heures de l'après-midi rend l'arrêt suivant:

AU NOM DE LA RÉPUBLIQUE.

Le tribunal de cassation a rendu l'arrêt suivant:

Sur le recours formé par le ministère public près le tribunal criminel du Port-au-Prince et par les sieurs Antonio Cano et Juan Cotès, au jugement rendu par le dit tribunal au préjudice de ces derniers.

Faits. Le nommé Antonio Pelletier, arrêté pour cause de piraterie et de vol à main armée, avec violence et menace d'assassinat, fut soumis avec ses complices à une instruction sur les faits et circonstances qui ont donné lieu à son arrestation. Par ordonnance de la chambre du conseil du Port-au-Prince, en date du vingt-cinq juillet dernier, Pelletier et ses complices ont été renvoyés au tribunal criminel de ce ressort pour y être jugés. Soumis aux débats, le vingt-un du courant, les accusés par l'organe de leurs défenseurs ont proposé un déclinatoire basé sur leur qualité d'étrangers et sur ce que le fait de pira-

terie aurait été commis sur un territoire étranger. Le sieur Antonio Cano, négociant étranger, et Juan Cotès, commis de négociant, aussi étranger, ont combattu le déclinatoire proposé; et le ministère public entendu, est sorti jugement du tribunal criminel du Port-au-Prince, en date du vingt-un du courant qui, tout en rejetant le déclinatoire, a déclaré les sieurs Antonio Cano et Juan Cotès, qui se sont constitués parties civiles au procès, mal fondés dans leur demande, comme inhabiles, vu leur qualité d'étrangers à se constituer parties civiles au procès; en temps utile, le ministère public s'est pourvu en cassation contre cette décision et la partie civile, de son côté, s'est également pourvue. Et par la lettre du secrétaire d'Etat des finances, chargé du portefeuille de la justice, en date du vingt-deux du courant, le tribunal a été saisi des deux recours sus-parlés, et ce grand fonctionnaire, dans l'envoi des procès, a manifesté le désir de voir le tribunal se réunir à l'extraordinaire, pour prononcer sur le pourvoi toutes affaires cessantes:

Les motifs qui appuient le pourvoi de la partie publique sont ainsi conçus:

Le tribunal criminel étant saisi par la qualification des faits, c'est donc à la chambre du conseil à les qualifier, et si la qualification donnée par la chambre du conseil n'a point été attaquée dans les délais de la loi, l'ordonnance qu'elle rend à cet égard, acquiert l'autorité de la chose jugée; elle ne peut être ni modifiée ni étendue.

Fausse application et fausse interprétation des articles 5 et 6 du code d'instruction criminelle, et violation de l'article 113 du même code, en ce que le tribunal criminel s'est immisce dans la qualification des faits, pour se déclarer incompétent sur le premier chef de l'accusation et compétent seulement sur les deux derniers chefs, qu'il a ainsi divisés, ce qui par sa nature était indivisible; qu'ainsi il y a excès de pourvoir, et il demande l'annulation du jugement attaqué.

Les parties civiles, par l'organe de leur défenseur, ont présenté les moyens suivants:

1°. Violation des articles 202, 205, 206, 297, 315, et 316 du

code d'instruction criminelle d'Haïti. Fausse application des articles 5 et 6 du même code, et partant violation de la chose jugée et des règles de la compétence ; excès de pouvoir et déni de justise : en effet les ordonnances de renvoi du tribunal criminel sont de véritables jugements, provisoires quant à l'appréciation des faits qualifiés, mais définitifs et attributifs quant à la juridiction désignée ; deux sortes de recours et deux délais seulement sont réservés tant à l'accusé qu'au ministère public pour attaquer ces jugements de renvoi ; ces recours et ces délais sont fixés par les articles 202, 205, 206, 297, 315, et 316 du code d'instruction criminelle et le seul tribunal habile à en connaître est le tribunal de cassation ; les délais fixés par la loi, une fois écoulés, sans qu'il ait été fait de pourvoi en cassation, les jugements de renvoi acquièrent l'autorité de la chose jugée. Les cours d'assises sont définitivement saisies par la force de la loi, et elles ne peuvent refuser de procéder sur les faits de l'accusation. Or, le tribunal criminel du Port-au-Prince, au mépris de ces dispositions formelles de la loi, s'est déclaré incompétent pour connaître du crime dénoncé par les demandeurs et formant le premier chef d'accusation dont le tribunal avait été saisis par l'ordonnance de renvoi. Par suite de ces violations, le dit tribunal criminel a fait une fausse application des articles 5 et 6 du même code, a commis un excès de pouvoir et un déni de justice.

2°. Violation de l'article 5 du code civil et des articles 50 et 113 du code d'instruction criminelle, et des articles 324, 326 et 331 du code pénal ; la violation de ces dispositions de lois résulte 1°. de ce que les accusés, quoique étrangers, n'en sont pas moins soumis aux lois de police et de sûreté de la République ; 2°. de ce qu'au nombre de ces lois de police et de sûreté sont les articles 324, 326 et 331 qui punissent le vol et la soustraction frauduleuse à main armée et à l'aide de menaces et de violences ; 3°. et de ce que, pour qu'il y ait connexité entre plusieurs crimes, il suffit qu'il y ait un concert formé à l'avance, quoique les crimes aient été commis en différents temps et en divers lieux ; et encore de ce que les trois chefs de

l'accusation, relevés par l'ordonnance de renvoi, sont indivisibles par leur nature, et rendent l'instruction indivisible; si bien qu'on ne peut écarter l'un des chefs sans désarmer l'accusation, ou du moins la tronquer d'une manière arbitraire; 4°. Enfin de ce que toute personne lésée par un crime, peut se porter partie civile devant le juge du lieu où l'accusé aura été trouvé; or, non seulement le fait de piraterie, dont se plaignent les demandeurs, a été consommé sur le territoire de la République, mais encore, en serait-il autrement, aurait-il été consommé sur un territoire étranger, il n'en serait pas moins connexe avec les autres crimes, commis par les accusés sur le territoire de la République, et cette connexité, dont le jury seul était habile à reconnaître l'existence, faisait un devoir au tribunal criminel de procéder et instruire sur les circonstances constitutives du crime dénoncé.

Partant, en méconnaissant tous ces principes, le tribunal criminel a commis les violations de loi ci-dessus indiquées et, de plus, un excès de pouvoir et un déni de justice.

5°. Fausse interprétation et violation des articles 1er., 2, 3, 5, 6 et 7 du titre 2 de la loi sur la piraterie du 8 avril 1815.

En effet, au mépris des dispositions formelles de ces articles, le tribunal criminel, par le jugement attaqué, a déclaré que la juridiction haïtienne n'était compétente que pour juger les faits de piraterie commis sur le territoire et les côtes de la République; quand, au contraire, il ne résulte d'aucune des dispositions de la loi du 8 avril, surtout depuis l'abrogation de la loi du 24 août 1808, une limitation à la juridiction et au droit de souveraineté de la République; quand, au contraire, cette juridiction et ce droit de souveraineté, reconnus et affirmés dans le traité sur la traite signé avec les autres puissances de l'Europe, n'ont d'autres limites que le droit public des gens; quand, enfin, il résulte clairement des observations qui ont précédé la loi du 8 avril, et des explications données sur l'article 42 de la Constitution, alors en vigueur, que le but de cette loi était seulement de définir la piraterie locale et de substituer à la

peine de mort une gradation de peines, selon la gravité des crimes compris dans le mot générique de piraterie.

Les demandeurs concluent à la cassation du jugement du tribunal criminel du Port-au-Prince du vingt-un août 1861, au renvoi de la cause et des parties devant une autre section du même tribunal, pour y être procédé, conformément à l'ordonnance de renvoi du 25 juillet dernier, passée en force de chose jugée, et dans les formes prescrites par la loi et à la condamnation des défendeurs aux dépens.

Ouï le rapport du juge D. Lafond, les observations de Me. Saint-Amand pour la partie civile, ensemble les conclusions du citoyen D. Lallemand, substitut du commissaire du gouvernement ; et après délibération en la chambre du conseil ;

Vu le jugement attaqué, les moyens produits et les autres pièces du procès ;

Vu les articles 5, 6, 202, 205, 206, 297, 315, 316, du code d'instruction criminelle, 324, 326, 331 du code pénal, 1, 2, 3, 5, 6 et 7 du titre 2 de la loi sur la piraterie du 8 avril 1815 ;

Statuant sur les moyens servant de base au pourvoi ;

Attendu que la piraterie est une action inouïe, contre laquelle les nations civilisées s'entendent et se coalisent pour poursuivre et punir selon les lois spéciales qui, par l'énormité d'un tel fait, ne fléchissent point devant les formes consacrées par les lois applicables aux délits ordinaires ; qu'à cet égard une loi complète devient utile, nécessaire ; Que, du principe ci-dessus énoncé, confondu avec la juridiction et le droit de souveraineté de la République, non limités par aucune loi, il découle virtuellement que, quelque soit le lieu, où un bâtiment reconnu ayant une destination à la piraterie où à la traite, fait son entrée, on est tenu de le mettre sous la main de la justice et de diriger des poursuites préventives contre tous les individus trouvés à son bord, sans se préoccuper du pays auquel ils appartiennent ; que cette vérité est tellement incontestable, qu'il existe à l'égard de la traite, assimilée à la piraterie, des conventions entre le gouvernement haïtien et les gouvernements français et anglais ; tant il est indéniable que, s'armant

contre l'humanité et le droit des gens, conservant dans leurs cœurs de coupables et d'infâmes desseins, arborant tous les pavillons et ne connaissant ni frères, ni parents, ni amis, les pirates se livrent aux actes les plus cruels, les plus épouvantables ;

Attendu que les lois haïtiennes sur la piraterie sont spéciales ; qu'en effet, elles renferment des dépositions générales et absolues qui, basées exclusivement sur le droit des gens, atteignent tous les individus pris soit sur nos mers, soit ailleurs ; que ce raisonnement trouve son application dans l'art. 3 de la loi de 1815, qui, sans envisager la position des individus et des lieux d'où ils viennent, est conçu comme suit :

" Tout individu atteint et convaincu de piraterie, et qui n'aurait point commis d'assassinat, sera condamné à cinq années de fers, et en cas de récidive, à dix années pareillement de fers. Que les termes de cet article sont, à l'exception de la peine, corrélatifs à ceux de l'art. 1er. de la dite loi, disposant : " Tout individu atteint et convaincu de piraterie, et qui a commis des assassinats sur mer, sur n'importe quel bâtiment, sera puni de mort ; que, par ces mots—sur n'importe quel bâtiment, on ne saurait se méprendre sur l'intention du législateur. Qu'en 1825 le tribunal de cassation de la République a sainement interprété cet article, en reconnaissant qu'il établit en principe, qu'il ne peut-être admis de limites circonscrites pour la répression de la piraterie, laquelle répression peut s'étendre à trois cents lieux et hors des limites juridictionnelles de la République. Que c'est en rendant un respectueux hommage à ces dispositions législatives et universelles que, consultés sur les faits imputés à Pelletier et consorts, les consuls qui représentent leurs nations en Haïti ont formellement déclaré que ces faits rentrent dans la catégorie des crimes qu'il appartient au gouvernement haïtien de poursuivre ;

Attendu que les délits successifs commencés en pays étrangers et consommés en Haïti peuvent être poursuivis et jugés en Haïti ;

Attendu, en principe, qu'après son interrogatoire par le

doyen, l'accusé a la faculté de déférer en cassation, dans le délai de cinq jours, l'ordonnance qui arrête sa mise en accusation; que, selon la jurisprudence, cette ordonnance peut-être, dans le délai de trois jours, soumise à la censure du tribunal régulateur, pour d'autres causes de nullités ou d'incompétence que celles énoncées en l'article 205 du code d'instruction criminelle: d'où il suit que, lorsque le tribunal criminel est légalement saisi par ordonnance de renvoi passée en force de chose jugée, il doit connaître de tous les faits que se rattachement à l'accusation, lors même que ces faits rentreraient, surtout en matière de piraterie, dans les attributions d'une juridiction étrangère;

Attendu que s'il est vrai que l'action civile prend naissance absolument dans les mêmes faits que l'action publique, on ne saurait, à l'égard des faits successifs et consommés, ainsi qu'il vient d'être démontré, écarter du procès celui qui, comme partie civile, exerce une action en réparation du préjudice causé par l'auteur ou les auteurs des dits faits;

Attendu, dans l'espèce, qu'en présence des manœuvres frauduleuses de la tentative de piraterie où se remontrent tous les éléments définis par l'art. 2 du code pénal, ainsi que de la rébellion et du faux commis dans la rade du Fort-Liberté par Pelletier qui avait non-seulement pris un autre nom, mais changé celui de son bâtiment, le consul américain, en le considérant comme pirate, l'a renié comme sujet de sa nation;

Attendu, que, de l'ordonnance de la chambre du conseil qui nullement n'a été attaquée, et du résumé de l'acte d'accusation qui est la reproduction fidèle du dispositif de cette ordonnance il résulte que l'accusation admise contre Pelletier est d'avoir commencé ses déprédations au Grand-Caïman, au préjudice des sieurs Antonio Cano et Juan Cotès et qu'il est venu avec ses complices consommer les autres faits à lui reprochés sur nos côtes où il a été pris.

Attendu que, contrairement aux faits ci-dessus relatés, le jugement dénoncé, s'écartant des régles tracées par le législateur, a reconnu que les étrangers ne sont pas justiciables des tribunaux du pays pour les dettes contractées entre eux, et que

l'action intentée par Cano et Cotès contre Pelletier est purement civile, quand ces faits auraient dû être soumis aux jurys et déclarés constants par eux, pour servir de base au dit jugement, par la raison que les dits faits ne possèdent pas la même qualification que ceux qualifiés par la chambre du conseil du Port-au-Prince ;

Attendu que le tribunal, dont émane le jugement attaqué, a déclaré qu'il ne peut exister de connexité entre l'affaire Cano et Cotès, arrivée en pays étranger, et les poursuites dirigées par le ministère public au nom des intérêts des haïtiens ; que cette question de connexité ne pouvait être résolue, non par le dit tribunal, mais par le jury ; que c'est par le verdict de celui-ci que le dit tribunal aurait pu décider ce que veut la bonne administration de la justice ;

Attendu que, de tout ce qui précède, il résulte évidemment que le tribunal criminel du Port-au-Prince, en jugeant comme il l'a fait, a violé la loi de 1815 qui régit spécialement la matière, les articles cités à l'appui du pourvoi, et par suite commis un excès de pouvoir ;

Par ces motifs et statuant sur le pourvoi du ministère public et sur celui des parties civiles, le tribunal casse et annule le jugement du tribunal criminel du Port-au-Prince du 21 août 1861 ; ordonne la remise de l'amende déposée, condamne les défendeurs aux dépens, ordonne aussi l'impression du dit arrêt sur le Moniteur haïtien, et vu la loi additionnelle à celle du 9 juin 1835, sur l'organisation judiciaire, qui accorde deux sections de juges au tribunal civil du Port-au-Prince ;

Considérant que, des deux décisions contraires de la chambre du conseil et du tribunal du Port-au-Prince, naît un conflit qui interrompt le cours de la justice et rend nécessaire un règlement de juges ;

Considérant que ce conflit a été soulevé avant l'ouverture des débats et que le tribunal du Port-au Prince, étant composé de deux sections, est encore habile à procéder à l'instruction et au jugement de la cause avec assistance du jury :

Considérant que les moyens du pourvoi ont été signifiés,

qu'il n'y a pas lieu au communiqué prélable et qu'il y a urgence ; renvoie par conséquent la cause et les parties devant la deuxième section du même tribunal composée des juges Chérimont Chéry, Brutus Alexandre Gilot et Durin Mége suppléant de juge, qui n'ont point encore connu de l'affaire, pour être procédé conformément à la loi et ordonne en outre l'exécution du présent arrêt, nonobstant opposition.

Donné de nous J. P. Dauphin, doyen, D. Lafond, F. Thézan, S. Laurent Leblanc et Jh. F. Poitevien juges, en présence du citoyen D. Lallemand, substitut du commissaire du gouvernement, au palais de justice du tribunal de cassation, en audience publique et extraordinaire du vingt-quatre août mil huit cent soixante-un, an 58e. de l'indépendance.

Il est ordonné etc. En foi de quoi le présent arrêt a été signé par le doyen, les juges et le greffier (Signé) J. P. Dauphin, D. Lafond, P. Thézan, St. Laurent Leblanc, Jh. F. Pointevien et Duviella, greffier.

Collationné :

DUVIELLA.

LE MONITEUR HAITIEN.

N°. 40.

Le — septembre 1861.

EXHIBIT 7.

Tribunal criminel du Port-au-Prince.

PRÉSIDENCE DU JUGE CHÉRIMON CHÉRI.

Audience du lundi 26 août.

En vertu de l'arrêt du tribunal de cassation, Pelletier et consorts sont conduits au tribunal et après le tirage du jury l'audience criminelle est ouverte.

Me. J. A. Laveau annonce une exception. Mes. St.-Amand Chance et Archin demandent acte de leur constitution comme partie-civile au procès pour les sieurs Cotès et Cano et font

observer au tribunal que les accusés ne pourront soulever des exceptions qu'après la lecture des pièces. Le tribunal ordonne la lecture de l'arrêt du tribunal de cassation. Me. Linstant pense que le moment est venu de présenter l'exception, puisqu'elle tend à décliner le tribunal. Me. St.-Amand veut prendre la parole, les accusés s'y opposent : la partie civile n'ayant pas le droit d'intervenir dans un règlement de procédure.

Le tribunal ordonne la continuation de la lecture de l'acte d'accusation et de l'ordonnance de la chambre du conseil, et après quoi, lève l'audience, vu l'heure avancée.

Audience du 27 août.

Me. Laveau, l'un des conseils de l'accusé Pelletier, donne lecture des conclusions exceptionnelles tendant à demander communication des pièces et un sursis. Cette demande est vivement combattue par le ministère public, qui offre la communication à l'audience. Le tribunal consulté rejette la demande des accusés et décide que les pièces seront communiquées audience tenante.

L'accusé Pelletier se lève et s'exprime ainsi : *Ma défense est baillonnée. Je déclare ne pouvoir me défendre, et je prie les honorables avocats qui m'assistaient de m'abandonner à mon sort, quel qu'il soit.*

Mes. Laveau et Linstant quittent le banc des avocats. Le commissaire du Gouvernement demande que le tribunal nomme un avocat d'office à l'accusé Pelletier. Ce dernier déclare ne pas vouloir en accepter. Me. St.-Amand pense que l'accusé ne peut être contraint à accepter un conseil, ayant volontairement renoncé à ceux qu'il s'était choisis.

Cet incident n'est pas vidé, et l'audience est renvoyée, pour être reprise à deux heures de l'après-midi.

— A la reprise de l'audience l'interprète juré annonce que les accusés *Thomas Colas*, *Louis Legulin* et *John Brown*, déclarent au tribunal avoir donné mandat à Me. Laveau et Lin-

stant de les défendre. Me. Laveau et Linstant demandent acte de leur nouvelle constitution.

Le substitut du commissaire du gouvernement requiert de nouveau le tribunal de donner un avocat d'office à Pelletier. Ce dernier se lève et réitère la déclaration qu'il a faite de ne vouloir accepter les conseils d'aucun avocat. Je ne me défendrai pas, j'ai pris, dit-il, la résolution de ne pas me défendre, vu les basses intrigues employées pour baillonner ma défense. Le président du tribunal criminel invite l'accusé à plus de modération et le somme de rétracter ces mots: basses intrigues. L'audience est troublée par Me. Laveau; il est rappelé à l'ordre. Puis après une seconde interruption, il est conduit sur l'ordre du président hors de l'audience. Le silence est rétabli.

Le tribunal décide qu'il n'y a pas lieu de nommer un avocat d'office à Pelletier et rejette la réquisition faite par le ministère public.

Pelletier demande que l'on consigne le motif pour lequel il refuse de se défendre. Cela est déjà consigné, lui répond le président.

Le substitut du commissaire du gouvernement demande la parole et expose l'accusation et demande à faire entendre les temoins à charge.

Le premier introduit est le nommé Mirandas Pierre. Il était attaché au service de Pelletier comme maître d'équipage à bord du *William*. Le 25 février de cette année, il s'embarque à bord du *William* pour la Nouvelle-Orléans. Ce bâtiment louvoie cinq jours devant le Môle-St.-Nicolas, il demande au capitaine de lui dire pourquoi il agit ainsi: Pelletier lui déclare qu'il faut qu'il prenne cent cinquante nègres pour se dédommager de l'argent qu'il avait dépensé au Port-au-Prince. Il dépose que, dans sa route, le *William* resta deux jours au long du Cap sans vouloir y entrer; que, vers cet endroit, il recontra un bâtiment américain que le *William* salua du pavillon français; qu'il continua pour le Fort-Liberté où le capitaine se présenta sous le faux nom de Jules Letellier, capitaine du *Guillaume-Tell*, venant de la Havane et allant au Hâvre;

que Pelletier lui fit part de l'intention où il était de donner un bal afin d'enlever les jeunes filles et les jeunes gens du Fort-Liberté ; que sur l'observation qu'il fit au capitaine, que ces Haïtiens seraient capables de se soulever à bord et de massacrer l'équipage, Pelletier lui répondit qu'il avait déjà apaisé une révolte de 500 nègres, en en faisant massacrer onze sur le pont. Le président du tribunal criminel demande à Pelletier s'il a quelques observations à faire contre cette accablante déposition. Pelletier déclare ne vouloir rien dire. Me. Linstant veut attaquer la moralité du témoin Miranda. Le président du tribunal s'y oppose ; et Me. Linstant déclare se retirer définitivement de la défense, puisqu'il ne peut pas jouir d'un droit que lui accorde la loi.

Le second témoin qui se présente est le nommé Théodore Chenonz. Il ne connaît de l'affaire Pelletier que ce qu'il a appris sur les journaux ; il dépose que jamais Cotès n'a été privé d'eau à bord et qu'il n'est pas à sa connaissance qu'il ait été menacé. Cette déposition paraît suspecte au ministère public.

L'audience est renvoyée au lendemain.

Audience du 28 août.

A la reprise de l'audience, Mr. N. Cesvet dépose qu'il a acheté de Mrs. Asmutz et Mary une quantité de cent milliers de bois arrivés à bord du *William*. Cette déposition n'offre rien d'intéressant pour la cause.

Après Mr. Cesvet, Vil Maximilien est introduit. Le capitaine Pelletier lui avait dit de lui trouver cinquante hommes pour aller faire du guano à raison de g. 14 par jour ; il dépose aussi que l'accusé Pelletier lui avait dit que, si le gouvernement d'Haïti saisisait son navire, le gouvernement américain le réclamerait immédiatement. Pelletier, interrogé par le président, déclare ne vouloir rien dire à propos de cette déposition.

Melle. Henriette est introduite ; elle vit maritalement avec Urbain Casting depuis quatre ans. Elle a été constamment

malade pendant la traversée de la Mobile au Grand-Caïman ; elle se tenait toujours dans sa chambre avec l'épouse et l'enfant du sieur Cotès, et c'est à celle que cette dame se plaignait de ce que le capitaine Pelletier lui eût refusé un verre d'eau sucrée pour son enfant qui pleurait. Elle déclare avoir complètement ignoré que Pelletier fût pirate.

Après cette jeune personne, Mr. Lacouture, ancien capitaine au long cours, après avoir examiné la route parcourue par le *William*, déclare qu'il a fait fausse route.

Mr. B. Mary dépose que le consul américain lui avait dit de Pelletier : c'est un bandit.

Le capitaine Chassing dépose que dans le trajet du Port-au-Prince à St.-Marc, pendant que le *Geffrard* convoyait le *William*, une embarcation fut envoyée à son bord par le capitaine Pelletier, sous le prétexte de faire rectifier son chronomètre.

Après cette disposition, plusieurs autres sont faites, mais sans importance pour la cause, et l'audience est remise pour l'après-midi.

— A 3 heures, Antonio Lobos est introduit ; il ne parle qu'espagnol, Me. Doucet est chargé de traduire sa déposition : il afirme que le capitaine avait refusé de l'eau à Cotès et à sa famile et avait prétexté que son grand mât était brisé. Il déclare qu'il y avait beaucoup d'eau à bord, mais que, en effet, le mât était en assez mauvais état ; que, pendant la traversée, il fut mis aux fers par le capitaine qui le soupçonnait d'avoir deviné ses intentions de faire la traite ; et que, pour gagner l'équipage qui murmurait, le capitaine leur avait promis beaucoup d'argent. Interrogé par le président du tribunal, Pelletier déclare ne vouloir rien dire pour les raisons qu'il a déjà alléguées.

Le dernier témoin est introduit, c'est Dupuis. Me. Clavier, observe que ce témoin a assisté à toutes les autres dépositions et qu'il ne peut par conséquent être entendu. Me. St.-Amand n'est pas de cet avis ; il pense que le président du tribunal, usant de son pourvoir discrétionnaire, peut entendre le témoin comme renseignement. Il a vu le capitaine Pelletier

avoir une forte discussion avec le sieur Cotès, et que celui-ci fut privé d'eau. Il déclare que le capitaine du *William* avait avoué à son équipage que son intention bien arrêtée était de faire la traite, et qu'il a assisté à la vente simulée faite au Grand-Caïman.

Après cette disposition, l'audience est renvoyée au lendemain.

Audience du 29 août.

A dix heures du matin, le tribunal prend siège. Sur la réquisition du ministère public, lecture de différentes pièces est donnée.

Le président du tribunal criminel fait apporter aux accusés les pièces à conviction : fusils, pistolets, revolvers, poudre, menottes, cartouches à plomb, cartouches à balles, sabres, etc., etc.: et après l'accomplissement de cette formalité, les débats généraux sont ouverts. Me. St.-Amand prend la parole pour soutenir l'accusation. Il plaide d'abord le point de droit et arrive aux faits de la cause. Il nous est malheureusement impossible de reproduire ici l'éloquent et chaleureux plaidoyer du principal organe de la partie civile. Rien ne lui a fait défaut. Après lui, Mes. Archin et H. Chance se sont attachés à prouver que l'accusé principal n'avait pas seul commis le crime ; qu'il était assisté de tous les accusés qui sont sur la selette criminelle. Ces deux jeunes avocats ont plus d'une fois excité l'admiration de l'auditoire et ont accompli leur tâche avec cette conviction qu'inspire une bonne cause.

Mr. J. Lilavois prend alors la parole et développe les moyens de son acte d'accusation. C'est ici le moment de rendre hommage au zèle ardent que cet officier du parquet met à poursuivre les ennemis de l'ordre public. Il termine en demandant que les faits de l'acte d'accusation soient reconnus constants et les accusés déclarés coupables.

A minuit, la défense a la parole. Mes. Clavier, Camille Nau et Quiqueron plaident qu'il n'existe pas de complices dans la cause. A l'appui de cette argumentation, ils invoquent les dépositions faites aux audiences précédentes. Ils regret-

tent de n'avoir pas le mandat de défendre le principal accusé ; mais soutiennent que l'on ne peut pas ici lui trouver de complices.

La judicieuse plaidoirie de Me. Clavier motive une réplique de Me. St.-Amand qui, pour combattre le système soutenu par son confrère, donne lecture d'un arrêt d'une cour de France ; et après une contre-réplique des Mes. Clavier et Quiqueron, les débats généraux sont fermés.

Le président du tribunal pose les questions au jury, qui se retire dans la chambre des délibérations le vendredi, à trois heures du matin, et en sort à cinq et demie avec un verdict qui motive de la part du tribunal criminel une condamnation *à mort* contre le capitaine Pelletier ; *de cinq ans de fers* contre Thomas Collard, John Brown et Urbain Casting, et *la mise en liberté* des autres co-accusés.

AU NOM DE LA RÉPUBLIQUE.

Le tribunal civil séant au Port-au-Prince, compétemment réuni au palais de justice, a rendu en ses attributions criminelles le jugement suivant :

Vu 1° l'ordonnance portant renvoi par-devant le tribunal, dans laquelle est insérée celle de prise de corps rendue par la chambre du conseil de ce ressort, le vingt-cinq juillet de cette année, contre les nommés 1° Antonio Pelletier ; 2° Thomas Collar, 3° John Henri Brown, 4° Urbain Castaing, 5° Picault Louis Baptiste Benjamin, 6° Millet Pierre Henry, 7° Alexandre Thibodeau, 8° Cartier François, 9° Louis Maurice, 10° Rogard Yeves Guilloux, 11° Jean Alexandre Herrault, 12° Louis Legallin ; accusés de piraterie, de tentative de traite, de vol à main armée etc., etc., soit comme auteurs soit comme complices ;

2° L'acte d'accusation rédigé en exécution de la susdite ordonnance, par le citoyen J. J. Lilavois, substitutdu commissaire du gouvernement près le tribunal, le tout dûment notifié aux dits accusés ;

3° L'arrêt du tribunal de cassation de la République, qui saisit le tribunal criminel de l'accusation en date du vingt-quatre du courant ;

4° La déclaration affirmative du jury de ce jour portant que l'accusé Antonio Pelletier est coupable comme auteur de piraterie, de soustraction frauduleuse, en pleine mer et au Grand-Caïman, de marchandises au préjudice des sieurs Antonio Cano et Juan Cotès, a main armée, avec violence et menace d'assassinat, et de tentative de traite et de piraterie sur les côtes d'Haïti ;

Attendu que par la même déclaration les accusés John Henry Brown, Thomas Collard et Urbain Castaing ont été déclarés complices de tentative de piraterie et de traite sur les côtes d'Haïti ;

Ouï les susdits accusés en leurs moyens de défense, produits tant par eux mêmes que par Mes. Clavier, Camille Nau et Quiqueron, conseils des trois derniers accusés ;

Ouï également Mes. St.-Amand, H. Chance et Archin, constitués pour les sieurs Cano et Cotès, partie civile au procès en leurs conclusions, tendant à demander d'une part, pour les sieurs Antonio Cano, la somme de cinq mille sept cent vingt-huit piastres vingt-huit centimes forts, tant pour la valeur des marchandises, les intérêts de cette valeur, que les dommages-intérêts ; et de l'autre pour le sieur Juan Cotès celle de cinq mille piastres de dommages-intérêts ;

Ouï enfin le citoyen J. J. Lilavois, substitut du commissaire du gouvernement, en ses réquisitions écrites pour l'application de la pénalité attachée en l'espèce ;

Attendu que, par la déclaration affirmative du jury de ce jour, l'accusé Pelletier a été déclaré coupable de piraterie et de soustraction frauduleuse, en pleine mer et au Grand-Caïman, de marchandises au préjudice des sieurs Antonio Cano et Juan Cotès, à main armée avec violence et menace d'assassinat, et dont il a consommé la vente au Port-au-Prince ;

Attendu que ce fait, ainsi déclaré constant, constitue contre le dit Antonio Pelletier, un crime prévu et puni par les art. 5

et 6 du code d'instruction criminelle, 3 du titre 2 de la loi du huit avril mil huit cent quinze sur la piraterie, et les art. 10, 326 et 324 du code pénal ;

Le premier ainsi conçu : " Art. 5. Tout haïtien que se sera rendu coupable, hors du territoire d'Haïti, d'un crime attentoire à la sûreté de l'état, de contrefaçon des monnaies nationales ayant cours, de papiers nationaux, de billets de banque autorisés par la loi, sera aussitôt qu'il sera saisi, poursuivi, jugé et puni en Haïti, d'après les dispositions des lois haïtiennes ;"

Le second portant : "Art. 6. Cette disposition sera étendu aux étrangers qui auteurs ou complices des mêmes crimes seraient arrêtés en Haïti ; ou dont le gouvernement obtiendra l'extradition ;"

Le troisième ainsi : "Art. 3. du titre 2, 1er. alinéa : Tout individu atteint et convaincu de piraterie et qui n'aurait point commis d'assassinat sera condamné à cinq années de fers, et en cas de récidive, à dix années pareillement de fers ;"

Le quatrième ainsi conçu :

" Art. 10. L'amende et la confiscation spéciale, soit du corps du délit, quand la propriété en appartient au condamné, soit des choses produites par le délit, soit de celles qui ont servi, ou qui ont été destinées à le commettre, sont des peines communes aux matières criminelles et correctionnelles ;"

Le cinquième disposant :

" Art. 326. Le vol commis à main armée, sera puni de mort ;"

Le sixième déterminant :

" Art. 324. Quiconque a soustrait frauduleusement une chose qui ne lui appartient pas, est coupable de vol ;"

Dont lecture a été donnée à haute voix par le doyen :

Attendu que les accusés J. Henry Brown, Thomas Collard et Urbain Casting ont été déclarés coupables de fait de complicité de tentative de piraterie et de traite sur les côtes d'Haïti ;

Attendu que ces faits ainsi déclarés constants constituent contre les accusés : John Henry Brown, Thomas Collard et

Urbain Castaing, un crime prévu et puni par l'art. 5 du titre 2 de la loi du 8 avril 1815 et par les art. 44 et 20 du code pénal :

Le premier ainsi : " Art. 3, 1er. alinéa : Tout individu atteint et convaincu de piraterie, et qui n'aurait point commis d'assassinat, sera condamné à cinq années de fers, et en cas de récidive, à dix années pareillement de fers ;"

Le second ainsi conçu : "Art. 44. Les complices d'un crime ou d'un délit seront punis de la même peine que les auteurs mêmes de ce crime ou de ce délit, sauf les cas ou la loi en aurait disposé autrement ;"

Le troisième disposant : " Art. 2. Toute tentative de crime qui aura été manifestée par des actes extérieurs et suivie d'un commencement d'exécution, si elle n'a été suspendue ou n'a manqué son effet que par des circonstances fortuites ou indépendantes de la volonté de l'auteur, est considéré comme crime, et sera, punie de la réclusion, dont la durée sera proportionnée à la gravité du cas :"

Le quatrième enfin stipulant : " Art. 20, 1er. alinéa : Tout individu de l'un ou de l'autre sexe, condamné à la peine de la réclusion, sera employé, dans une maison de force, à des travaux dont le produit pourra être en partie appliqué à son profit, ainsi, qu'il sera réglé par le gouvernement ;"

Dont lecture a été donnée a haute voix par le doyen :

Par tous ces causes et motifs, LE TRIBUNAL, après en avoir délibéré, condamne 1° le nommé Antonio Pelletier, âgé de quarante-trois ans, capitaine au long-cours, négociant, né à Fontainebleue (France), demeurant et domicilié à New-York, à la peine de mort !! pour avoir commis les crimes de piraterie et de soustraction frauduleuse en pleine mer et au Grand-Caïman, à main armée avec violence et menace d'assassinat, le condamne en outre à la restitution des marchandises volées ou de leur valeur, estimée trois mille cinq cent soixante-deux piastres ;

2° Condamne aussi les accusés 1° John Henry Brown, âgé de vingt-neuf ans, marin de profession, ne à Quimper (France,)

domicilié à Boston, naturalisé américain; 3° Thomas Collar, âgé de trente-cinq ans, marin, second à bord de la barque *William*, né à Epping (Angleterre), naturalisé américain, demeurant à New-York; 4° Urbain Castaing, âgé de vingt-sept ans, maître de langues, né à Plaisance (France), domicilié à Mobile (Etats-Unis), à cinq années de réclusion; ordonne qu'ils soient employés dans une maison de force, à des travaux dont le produit pourra être en partie appliqué à leur profit, ainsi qu'il sera réglé par le gouvernement, pour s'être, tous les trois, rendus, complices du crime de tentative de piraterie et de traite sur les côtes d'Haïti:

Les condamne en outre aux frais envers l'Etat alloués au greffe à la somme de vingt-quatre gourdes et ce non compris le coût du présent jugement et même par corps.

Et conformément aux dispositions de l'article 10 du code pénal suscité, le tribunal déclare confisquer au profit de l'Etat le navire *William*, y compris tous ses accessoires; déclare aussi confisquer les armes, munitions, projectiles et ustensils qui se trouvaient à bord ou qui s'y trouvent encore, comme choses qui ont servi et qui ont été destinées à commettre le crime.

Attendu sur les deux demandes en restitution et en dommages-intérêts faites par Messieurs Antonio Cano et Juan Cotès.

Attendu que l'accusé Pelletier reconnu et déclaré coupable de soustraction frauduleuse à main armée etc., etc., de marchandises au préjudice du sieur Antonio Cano, et dont il a definitivement consommé la vente au Port-au-Prince, est non seulement tenu à la restitution des dites marchandises, mais est possible de la réparation des torts qu'a occasionnés au sieur Cano le détournement de ses marchandises et les voyages et les démarches qu'il a entrepris, et faits pour la révendication de ses droits et de ses intérêts si largement compromis par Pelletier;

Attendu qu'à l'égard du sieur Juan Cotès par le fait d'avoir trompé sa bonne foi, de l'avoir circonvenu et de l'avoir aban-

donné avec sa femme, son enfant et un serviteur, sur un point autre que celui auquel il devait le débarquer, Pelletier lui a occasionné des torts et des débours qu'il est tenu de réparer;

Qu'aux termes des articles 1168 et 1169 du code civil, tout fait quelconque de l'homme qui cause à autrui un dommage oblige celui par la faute duquel il est arrivé à le réparer;

Pour ces motifs, le tribunal, après en avoir délibéré, condamne le dit Antonio Pelletier, à mille piastres à titre d'indemnité en faveur du sieur Antonio Cano, et à trois mille piastres de dommages-intérêts en faveur du sieur Juan Cotès pour les torts et préjudices causés à ce dernier; le tout par corps, conformément aux dispositions de l'art. 36 du code pénal, et ce pour les motifs ci-dessus exprimés.

Donné de nous, Chérimon Chéri, juge, remplissant les fonctions du doyen du tribunal criminel, B.-Adre. Gillot, juge, Durin Mège, suppléant de juge, assisté du citoyen J.-M. Duvet, greffier, en présence du citoyen J.-J. Lilavois, substitut du commissaire du gouvernement, à l'audience publique du trente août mil huit cent soixante-un, an cinquante-huitième, etc.

Il est ordonné, etc.

En foi de quoi etc. *Signé*: C. Chéri, B.-Adre. Gillot, D. Mège, et J.-M. Duvet, greffier.

LE MONITEUR HAITIEN.

N°. 47.

Le 26 octobre 1861.

Exhibit 8.

AU NOM DE LA RÉPUBLIQUE.

Le tribunal de cassation a rendu l'arrêt suivant: sur le recours 1° d'Antoine Pelletier, capitaine au long cours, négociant domicilié à New-York; 2° John Henry Brown, marin de profession, domicilié à Boston; 3° Thomas Collas, marin,

second à bord de la barque *William*, domicilié à New-York ; 4° Urbain Casting domicilié à Mobile. Tous quatre détenus ès-prisons du Port-au-Prince, le premier condamné à la peine capitale et à des dommages-intérêts, et les trois derniers à cinq années de réclusion.

FAITS : Antonio Pelletier contre lequel des présomptions graves s'élevaient depuis longtemps, comme prévenu de piraterie et de traite, fut arrêté avec ses complices sur les côtes du Fort-Liberté.

Les faits de faux par lui commis lorsqu'il se disait appelé Letellier et que son bâtiment se nommait *Guillaume-Tell* du Havre; sa rebellion contre les autorités de l'endroit ; les pavillons divers qu'il avait arborés ; les armes et les munitions trouvées à bord de son bâtiment : Tout se réunissait pour lui faire donner la qualification de pirate. Aussi les consuls et agents du corps diplomatique, résidant au Port-au-Prince, convoqués par le ministre des affaires étrangères et consultés par ce grand fonctionnaire, sur la prévention portée contre Pelletier, n'ont pu se dispenser 1° de reconnaître Pelletier en dehors du droit des gens et 2° de déclarer que le Gouvernement haïtien est parfaitement habile à exercer contre lui toutes les poursuites judiciares que comporte le crime de piraterie, qu'ils ont trouvé suffisamment constaté dans les pièces portées à leur connaissance.

Pelletier qui, d'après les procès verbaux dressés par le commissaire du gouvernement près le tribunal civil du Port-au-Prince, relatifs aux interrogatoires des cinq matelots qu'il avait emprisonnés avant son arrestation, était prévenu de piraterie en pleine mer, par les moyens des déprédations commises au préjudice des sieurs Cano et Juan Cotès, fut avec ses complices mis en état d'accusation, comme accusés de piraterie en pleine mer et de tentative de piraterie et de traite sur les côtes d'Haïti.

Traduit au tribunal criminel du Port-au-Prince, Antonio Pelletier fut déclaré par le jury 1° coupable de la piraterie et des déprédations sus-mentionnées, et reconnue consommées au

Port-au-Prince. 2° Coupable comme auteur de la tentative de piraterie et de traite commises sur les côtes d'Haïti.

Livrés également aux débats, John Henry Brown, Thomas Collas et Urbain Casting furent aussi déclarés coupables comme complices de Pelletier pour ce qui touche seulement ladite tentative de piraterie et de traite.

Par suite du verdict du jury, le tribunal criminel du ressort en vertu de son jugement en date du trente août écoulé, condamne Pelletier à la peine capitale, et ses trois complices à cinq années de réclusion; le même jugement confisque au profit de l'Etat le navire *William* qui avait été destiné à commettre les faits ci-dessus énumérés et prononce les dommages intérêts au profit des sieurs Cano et Juan Cotès.

En temps utile, les condamnés firent leur acte déclaratif du pourvoi, et excipèrent des moyens suivants :

1° Violation de l'art. 211 du code d'instruction criminelle et du droit sacré de la défense, en ce que cet article exige que copie des procès-verbaux constatant le délit et les déclarations écrites des témoins soit délivrée gratuitement à l'accusé ou à ses conseils. Or, malgré les demandes réitérées des pourvoyants tant verbalement que par requête au doyen et par conclusions prises à la barre, ladite copie leur a été impitoyablement refusée, le doyen et le tribunal criminel se contentaient de leur offrir communication séance tenante des dites pièces;

2° Violation de l'art. 200 du même code et du droit sacré de la défense, en ce que les accusés Thomas Colas et John Henry Brown ayant été pourvus d'avocats d'office qui n'ont pu les assister, Me. Lavaud, dans l'intérêt de la loi, a fait remarquer au tribunal que ces accusés étaient déconverts; sur cette observation Mes. Clavier et Quiqueron sont chargés de leur défense; mais à l'audience suivante, ces accusés ayant déclaré choisir pour leur conseil Mes. Linstant Pradine et Lavaud au lieu et place des avocats d'office qui leurs avaient été donnés, ce choix de nouveaux conseils équivalant à la révocation de Mes. Clavier et Quiqueron d'autant que ce nouveau choix avait été fait en leur présence, Mes. Lavaud et Pradine

sont donc restés seuls avocats desdits accusés. Ces avocats ayant été successivement écartés de la cause et les accusés n'ayant pas été pourvus d'autres conseils, il en résulte qu'ils n'ont pas été défendus;

3° Violation des art. 199 et 202 du même code et toujours violation du droit sacré de la défense en ce que le doyen ou le juge qui l'a remplacé en interrogeant le prévenu Thomas Collas, qui n'entend pas la langue française, en lui faisant l'interpellation et l'avertissement prescrits par les art. 201 et 203 n'était pas assisté d'un interprête: Que par conséquent, ledit prévenu est considéré comme n'ayant reçu aucun avertissement; (art. 203).

4° Violation des règles de la compétence et excès de pouvoir en ce que la chambre du conseil était appelée uniquement à examiner si les indices étaient suffisants pour renvoyer devant le tribunal criminel non a déclarer si les faits imputés aux accusés étaient constants;

5° Le ministère public ayant requis et le doyen du tribunal criminel ayant fait donner lecture de plusieurs dépositions de témoins non présents à l'audience, le doyen n'a pas fait traduire par l'interprète ces dépositions. En outre le doyen ayant déclaré les débats généraux fermés en a fait le résumé, et n'a point fait traduire à l'accusé Thomas ledit résumé;

6° La loi martiale ayant été promulguée par l'arrêté du Président d'Haïti, en date du dix juillet de cette année, la garde nationale est par ces faits mobilisée; elle l'est d'autant plus que jusqu'à ce jour, elle fait le service militaire; or, les militaires ne pouvant faire partie du jury, il résulte que la formation du jury du jugement est nulle à cause de la prohibition formelle de l'art. 216, les citoyens composant le jury étant soldats, sous-officiers et officiers de la garde nationale mobilisée, et la mobilisation de la garde nationale faisant rentrer les citoyens qui la composent dans le cadre militaire;

7° Violation de l'art. 265 du code d'instruction criminelle en ce que l'interprète requis pour assister l'accusé Thomas

Collas, qui n'entend pas le français n'a pas prêté le serment exigé à peine de nullité par ledit article ;

La qualité d'interprète juré ne dispense pas l'interprète requis pour assister un accusé devant le tribunal criminel de prêter serment ;

8° Violation de l'art. 304 du code d'instruction criminelle en ce qu'il défend de mentionner les réponses des accusés et le contenu aux dépositions. Or, le procès-verbal des séances du tribunal criminel fait mention non seulement des réponses des accusés mais encore des dépositions des témoins non entendus dans l'instruction écrite ;

9° Fausse interprétation et par suite fausse application des art. 5 et 6 du code d'instruction criminelle qui n'ont pas trait à la matière : Pelletier et consorts n'étant accusés ni de contrefaçon des monnaies nationales ayant cours, ni de papiers nationaux, ni de crimes attentoires à la sûreté de l'Etat.

10° Excès de pouvoir, fausse interprétation et fausse application de l'art. 3 de la loi du huit avril mil huit cent quinze et des art. 210, 20, 44 et 326 du code pénal, et violation des règles de la compétence. En effet il ressort des observations de Daumec par suite desquelles la loi du premier novembre mil huit cent quatorze a été abrogée que le sénat de mil huit cent quinze n'a eu en vue que de définir la piraterie locale du pays, c'est-à-dire, la piraterie commise par les haïtiens ;

Ainsi tout étranger atteint et convaincu de piraterie est pris, son procès instruit et il est renvoyé à son pays pour y être jugé et remis à cette fin à son consul ; Il n'y a d'exception à cette règle, que dans le cas où la piraterie est accompagnée d'assassinat. C'est du reste ainsi que l'a jugé le tribunal de cassation par son arrêt du vingt-trois mai mil huit cent vingt-cinq. Or, la piraterie est un crime complexe qui se compose de faits et d'éléments divers. Le prétendu vol à main armée avec menace et violence commis en pleine mer à bord du William, constituerait dans l'espèce un fait de piraterie ; on ne saurait donc détacher ce prétendu vol à main armée avec ses circonstances et lui appliquer l'article 326 du code

pénal, et faire de la piraterie un fait simple punissable par l'article 3 du titre 2 de la loi de mil huit cent quinze.

11° Autre violation des règles de la compétence, excès de pouvoir et violation de l'article 5 de la loi de mil huit cent quinze et 4 de la loi du dix-neuf novembre mil huit cent trente-neuf, en ce que la piraterie et la traite sont régies par des lois spéciales qui défendent de juger les étrangers atteints et convaincus de traite et de piraterie non accompagnée d'assassinat. Il ne s'agissait donc dans l'espèce ni de savoir si Pelletier et consorts devaient être renvoyés à un autre tribunal haïtien, puisqu'ils ne sont justiciables d'aucuns, n'ayant point commis d'assassinat, ni quelle peine leur était applicable. L'incompétence est donc radicale et absolue et comme telle pouvait être présentée en tout état de cause et le tribunal devait même la déclarer d'office;

12° Excès de pouvoir, en ce que les faits de vol avec violence et menaces reprochés à Pelletier étranger, par Cotès autre étranger, s'ils étaient constants, auraient été commis dans le domaine commun de la pleine mer. Ces faits échappent à la juridiction haïtienne; et en en prenant connaissance, elle empiète sur la juridiction étrangère et commet un excès de pouvoir susceptible de mettre en danger la sûreté de l'Etat. Il ressort de l'instruction du procès que les prétendues tentatives de piraterie et de traite dont Pelletier et consorts sont accusés auraient été commis au Fort-Liberté, c'est-à-dire depuis le départ du William du Port-au-Prince, c'est-à-dire au retour de ce navire et plus de cinq mois après le prétendu vol à main armée. D'où il suit qu'il n'y a pas la moindre connexité entre l'affaire Cotès, commencée au Grand-Caïman, dépendance anglaise et les prétendues tentatives de traite et de piraterie,

13° Enfin excès de pouvoir et violation du droit sacré de la défense en ce que le juge d'instruction en se faisant assister dans l'interrogatoire de Thomas Collas par un interprète, n'a pas fait prêter serment par ledit interprète. Or, l'omission de la prestation de serment équivaut à l'absence totale d'inter-

prète et Thomas Collas est censé avoir été jugé et condamné sans avoir été étendu.

Moyens présentés d'office par le commissaire du gouvernement en cassation.

Premier moyen. Violation de l'article 257 du code d'instruction criminelle, en ce que le procès-verbal d'audience ne constate pas que le jury a été averti de la qualité de dénonciateur de Miranda.

Deuxième moyen. Violation des articles 259 et 270 du code d'instruction criminelle, en ce que la piraterie étant un crime complexe, le doyen du tribunal criminel, aurait du poser les questions constitutives de la piraterie.

Troisième moyen. Violation de l'article 2 du code pénal, en ce que la tentative du crime se composant de deux éléments, on devait poser les deux questions se rapportant aux deux éléments.

Quatrième moyen. Excès de pouvoir de la part du doyen du tribunal criminel, résultant de l'article 251 du code d'instruction criminelle, en ce qu'un témoin assigné et présent à l'audience a été entendu sans prestation de serment.

Les sieurs Antonio Cano et Juan Cotès qui s'étaient constitués parties civiles devant les premiers juges ont repoussé les moyens ci-dessus relatés de la manière suivante :

Sur le premier moyen : Il n'y a ni violation de l'article 211 du code d'instruction criminelle, ni violation du droit de la défense.

L'article 211 ne prononce point la peine de nullité, les copies des pièces dont parle cet article ne doivent être remises aux accusés que lorsqu'ils les demandes, et leur demande ne doit point retarder l'instruction aux termes de l'article 208.

En fait, les accusés n'ont demandé des copies de pièces qu'à l'ouverture des débats et après avoir décliné la compétence du tribunal.

Le doyen, d'abord, auquel ils se sont adressés primitivement, et ensuite le tribunal, n'ont point rejeté leur demande, mais il

a été ordonné que les pièces originales elles-mêmes seraient mises à leur disposition par le parquet.

Si les condamnés n'ont eu à leur disposition, les pièces par eux demandées qu'au moment des débats, ils ne peuvent s'imputer qu'à eux-mêmes leur demande tardive.

Rien ne constate qu'avant la requête par eux présentée au doyen, des copies de pièces leur aient été refusées par le commissaire du gouvernement.

Le certificat du Greffier qu'ils représentent ne constate pas de refus, mais seulement qu'au jour de sa date, les pièces se trouvaient entre les mains du commissaire du gouvernement, et d'ailleurs ce certificat ne pourrait à lui seul faire preuve, à défaut d'une requête répondue ou d'une sommation régulière.

Sur le deuxième moyen. Il n'y a point violation de l'article 200 du code d'instruction criminelle ni du droit de défense: d'abord, parce que les accusés Thomas Collas et John Henry Brown ont choisi eux mêmes leurs conseils et qu'il leur en a été donné ensuite, dans le cours des débats, lorsque les premiers se sont volontairement retirés; qu'au surplus ils ont été pourvus d'avocats; et que s'ils en ont été privés ce n'est pas par le fait du ministère public ni du tribunal criminel; enfin ce moyen est démenti formellement par le procès-verbal d'audience qui constate que tous les accusés, à l'exception de Pelletier, seul, ont été défendus par les avocats en cause.

Sur le troisième moyen. Les articles 199 et 202 n'ont point été violés, attendu que l'assistance d'un interprète est exclusivement établie en vue des débats qui ont lieu devant le tribunal criminel et pour en assurer l'entière intelligence tant à l'accusé qu'à tous ceux appelés à y concourir, que les articles 199 et 202 n'exigent dans aucun cas l'intervention d'un interprète, que la loi s'en repose sur le magistrat du soin de s'assurer que les questions qu'il adresse à l'accusé et les avertissements qu'il doit lui donner sont entendus par lui;

Attendu au surplus que l'inobservation des articles 199 et 202 ne donnerait aucune ouverture en cassation contre le juge-

ment définitif, mais lui réserverait le droit d'invoquer les nullités antérieures au procès-verbal d'interrogatoire ;

Attendu enfin que le procès-verbal constatant l'accomplissement des formalités, on doit présumer jusqu'à inscription de faux qu'elles ont été réligieusement observées.

Sur le quatrième moyen. Ce moyen repose sur une grossière erreur et une ignorance complète des attributions de la chambre du conseil, ses attributions ne consistent pas seulement, comme les demandeurs ont voulu l'établir, à rechercher de simples indices, il est au contraire du devoir des juges composant la chambre du conseil, non seulement de constater l'existence des faits ; si cette existence leur parait constante, mais encore d'en rechercher les caractères essentiels et le degré de criminalité ; c'est si vrai, que le résultat de la délibération de la chambre du conseil consiste, soit à déclarer le fait non criminel soit à le qualifier de simple délit, soit à lui imprimer le caractère du crime. La chambre du conseil est tellement habile à rechercher l'existence des faits, que si cette existence ne lui parait constante, elle peut rendre une ordonnance de non lieu qui arrête les poursuites : Au surplus, les demandeurs sont aujourd'hui non-recevables à attaquer l'ordonnance de la chambre du conseil du Port-au-Prince.

Ils sont sous le coup de la déchéance prononcée par l'article 202 du code d'instruction criminelle ; et de plus il y a chose jugée résultant de l'arrêt du tribunal de cassation du vingt-quatre août dernier.

Sur le cinquième moyen. Il n'y a point violation, comme le prétendent les demandeurs, du droit de la défense, parce que le procès-verbal d'audience ne constaterait pas la traduction par l'interprète des dépositions des témoins et du résumé des débats.

La jurisprudence a établi que par la seule constatation de la présence de l'interprète à toutes les séances de la cour d'assise, il y a présomption légale qu'il a rempli ses fonctions toutes les fois que son intervention a été nécessaire, et qu'aucun article

de loi n'impose au greffier l'obligation de constater que l'interprète a traduit tout ce qui a été dit et lu dans le cours des débats.

D'un autre côté, il y a encore une erreur grossière de la part des demandeurs, en supposant que le doyen du tribunal criminel est obligé de faire un résumé de l'affaire : cette obligation qui lui était imposée par l'article 250 de l'ancien code d'instruction criminelle a été supprimée dans l'article 268 du nouveau code.

Sur le sixième moyen, tiré de la violation de l'article 216 du code d'instruction criminelle et de la mise en vigueur de la loi martiale.

D'abord, la mise en vigueur de la loi martiale, n'a point pour effet *ipso facto* de faire de tous les gardes nationaux des militaires en activité de service, mais seulement de mettre la garde nationale à la disposition de l'autorité militaire, et de les assimiler pour le service requis par cette autorité et pendant ce service seulement aux militaires en activité de service ;

Que d'un autre côté la mise en vigueur de la loi martiale ou autrement dit l'état de siège, n'a pas non plus pour effet *ipso facto* de suspendre les juridictions ordinaires, mais seulement de donner à l'autorité militaire, le droit de les suspendre si elle le juge à propos.

Au surplus, la proclamation de la loi martiale est une mesure purement politique qui doit être restreinte dans ses effets : et ses effets ont été réglés par un décret du trois novembre mil huit cent quarante-trois encore en vigueur, or, on ne trouve dans ce décret aucun texte qui puisse appuyer le moyen présenté par les demandeurs ;

Enfin il a été jugé que lorsqu'un demandeur en cassation n'a présenté aucune exception, ni exercé envers un juré son droit de récusation, il est non recevable à faire valoir devant la cour de cassation une question d'état et une exception sur les qualités civiles et politiques de ce juré.

Et en fait, l'arrêté du Président d'Haïti du dix juillet de cette année, n'a point déclaré la mobilisation des gardes na-

tionales, le silence de ce décret à cet égard a laissé les gardes nationales sous l'empire du droit commun.

Sur le septième moyen. Il n'y a point violation de l'article 265 du code d'instruction criminelle, car la nécessité prononcée par cet article n'est encourue que lorsque l'interprète n'a point prêté serment.

Or, dans l'espèce l'interprète qui a assisté aux séances du tribunal criminel est un interprète assermenté, faisant partie aux termes de l'article 8 de la loi sur l'organisation judiciaire, du quinze mai mil huit cent dix-neuf des employés de l'ordre judiciaire, et qu'en cette qualité a un caractère permanent qui le dispense, même en matière criminelle de renouveler son serment dans les affaires où il est appelé à remplir ses fonctions.

Et ce principe conforme à l'esprit de la loi et à la prompte expédition de la justice, a été consacré par un arrêt de la cour de cassation de France du vingt-huit janvier mil huit cent trente-six sur le rapport de monsieur Isambert.

Sur le huitième moyen. Il n'y a point violation de l'article 304 du code d'instruction criminelle.

Ce moyen repose encore sur une grossière erreur de la part des demandeurs, qui ont transporté dans cet article de notre code une peine de nullité qui en a été supprimée ; cette peine de nullité existe dans l'article 372 du code d'instruction criminelle français, mais le législateur haïtien en empruntant cet article du code français l'a modifié dans plusieurs de ses dispositions, et notamment a supprimé la peine de nullité.

Sur les neuvième, dixième et onzième moyens. Ces trois moyens n'en forment qu'un seul qui tend à dire : 1° que les règles de la compétence sur la traite et la piraterie ont été violées ; 2° que la juridiction haïtienne à l'égard des coupables étrangers n'étant compétente que dans le cas seulement d'assassinat, et étant incompétente dans tous les autres cas, la loi pénale haïtienne a été mal appliquée ; que le vol à main armée imputé particulièrement à Pelletier, étant un acte de piraterie, ne pouvait en tous cas, attirer sur son auteur que la

peine prononcée par l'article 3 du titre 2 de la loi de mil huit cent quinze et non celle prononcée par l'article 326 du code pénal sans dénaturer le caractère de ce vol ;

D'où il résulte, d'après les demandeurs, 1° une fausse interprétation et une fausse application des articles 5 et 6 du code d'instruction criminelle (neuvième moyen).

2° Une fausse interprétation et une fausse application de l'article 3 de la loi du 8 avril mil huit cent quinze et des articles 210, 20, 44, 324, 326 du code pénal (dixième moyen).

3° Violation des articles 5 de la loi de mil huit cent quinze et 4 de la loi du dix-neuf novembre mil huit cent trente-neuf, excès de pouvoir (onzième moyen).

Fin de non recevoir :

Attendu que par son arrêt du vingt-quatre août dernier le tribunal de cassation a déjà statué sur la compétence et a déclaré que la juridiction haïtienne était compétente pour connaître des crimes imputés à Pelletier et ses complices ;

Attendu que la déclaration du jury est intervenue depuis cet arrêt, et a encore affirmé cette compétence en constatant que ces crimes ont été commis et consommés sur le territoire d'Haïti ;

Partant il y a chose jugée, personne n'a le droit aujourd'hui de contester la compétence de la juridiction haïtienne, et les demandeurs sont non-recevables à dire que des règles de la compétence ont été violées et qu'ils ne sont pas justiciables de cette juridiction ; subsidiairement, et en admettant qu'au mépris de la chose jugée, et en admettant que le tribunal de cassation peut juger une seconde fois la même question entre les mêmes parties, le rejet de ces trois moyens, serait infailliblement prononcé car il est incontestable que dans l'espèce, c'est à la juridiction haïtienne et à elle seule qu'appartient le jugement des crimes commis par Pelletier et ses complices ;

Mais, il est vrai que les demandeurs sont non recevables pour contester la compétence du tribunal criminel ; il faut cependant reconnaître qu'ils ont le droit, non pas de soutenir que la loi pénale haïtienne ne leur est pas applicable, ce qui

serait contester encore indirectement la juridiction, mais ils ont le droit de soutenir que la peine à appliquer est celle prononcée par la loi de mil huit cent quinze et non la peine prononcée par le code pénal.

Et c'est ce qui a été fait pour Pelletier sous le neuvième moyen.

Mais il y a-t-il réellement fausse application de l'article 326 du code pénal. Evidemment non, la loi de mil huit cent quinze a édicté des peines pour les cas particuliers de piraterie qu'elle a prévus et punis, mais on ne s'est pas occupé des autres crimes que peuvent commettre les pirates, ces crimes sont prévus par la loi spéciale.

Ce moyen n'est donc pas mieux fondé que les autres qui précèdent.

Sur le douzième moyen. Comment peut-on dire qu'il y a excès de pouvir parceque le tribunal criminel aurait connu d'un crime commis en pleine mer quand la déclaration du jury porte que le crime a été consommé sur le territoire d'Haïti ?

Pour établir l'excès de pouvoir, il faudrait commencer par attaquer la décision du jury, or, elle échappe à toute censure, elle est souveraine.

Ce moyen ne mérite pas même qu'on s'y arrête.

Sur le treizième et dernier moyen. Ce moyen n'est pas plus sérieux que celui qui précède. Les mêmes raisons que nous avons données pour appuyer le rejet du troisième moyen militent pour le rejet du moyen dont il s'agit. Comment peut-on dire que Thomas Collas a été jugé et condamné sans avoir été entendu parce que le juge d'instruction n'avait pas constaté la présence d'un interprète aux interrogatoires écrits ;

Est-ce que les accusés sont jugés sur les interrogatoires écrits ?

Comme tous les autres le dernier moyen sera rejeté.

Par tous ces motifs, il plaira au tribunal de cassation, rejeter le pourvoi des condamnés Antonio Pelletier, Thomas Collas, John Henry Brown et Urbain Castaing, maintenir le jugement du tribunal criminel du Port-au-Prince, du treize août

mil huit cent soixante-un, et condamner les demandeurs aux dépens.

Et subsidiairement;

Attendu en principe : Que la cassation d'un arrêt de condamnation droit être restreinte aux chefs ou aux dispositions attaquées ;

Et que la cassation ne profite qu'à ceux des condamnés dont les droits ont été violés ou à l'égard desquels la nullité a été commise ; qu'il n'est dérogé à ces principes que lorsque l'indivisibilité des faits rend la procédure indivisible ;

Attendu que les troisième, cinquième, septième et treizième moyens concernent que le condamné Thomas Collas seul ; que le second moyen concernent ledit Thomas Collas et le condamné Henry Brown ; que les dixième et douzième moyens concernent le condamné Antonio Pelletier seul ;

Et que les premier, quatrième, huitième, neuvième et dixième moyens concernent tous les accusés ;

Il plaira au tribunal de cassation si, contre toute attente, un des moyens de cassation invoqués était admis, restreindre et limiter la cassation du jugement attaqué à celui où à ceux des condamnés que ce moyen concernait et maintenir le jugement à l'égard des autres.

Les moyens du ministère public ont été repoussés comme suit :

Sur le premier moyen. Il n'y a point violation de l'article 257 du code d'instruction criminelle. Mirande n'est point un dénonciateur, dans le sens de cet article : sa dénonciation n'a point été spontanée, elle a été par lui faite pour obéir aux articles 11 et 12 de la loi de mil huit cent quinze sur la piraterie.

Au surplus Mirande, fut-il un dénonciateur, dans le sens des articles 256 et 257, le jury a été averti par la lecture qui lui a été faite de l'ordonnance de renvoi et de l'acte d'accusation qui constatent que c'est Mirande qui a dénoncé Pelletier.

Partant la prescription de l'article 257 a été remplie.

Sur le deuxième et troisième moyens :

S'il est vrai de dire que la piraterie est un crime complexe et composé de faits successifs, qui, selon qu'ils ont été ou non accomplis, augmentent ou diminuent la gravité du crime et servent de base à la gradation des peines, mais il est aussi une vérité incontestable reposant sur les principes et sur les termes mêmes de la loi spéciale de mil huit cent quinze, c'est que, la simple tentative de piraterie, comme la simple tentative de traite constitue un crime prévu et puni par la loi sans qu'il soit besoin d'aucun acte extérieur ni d'aucun commencement d'exécution.

Il est incontestable que la tentative pure et simple de piraterie est assimilée au crime lui-même, par dérogation à l'article 2 du code pénal, comme le sont le complot, le viol, l'avortement, le faux et la fabrication de fausse monnaie.

La simple tentative de piraterie est une présomption légale qui, en matière criminelle, dispense de tout autre preuve absolument comme en matière civile, la présomption légale en est dispensée ;

Donc pour que le crime soit établi et la loi justement appliquée à l'égard de Pelletier ; il est de principe que de deux peines c'est la plus forte qui doit être appliquée, or, Pelletier ayant été déclaré coupable de vol à main armée, l'article 326 du code des délits et peines était le seul qui dût lui être appliqué.

Et qu'on ne dise pas non plus, que cet article étant dans le code pénal ne peut-être appliqué à un pirate ; qui oserait soutenir que la loi générale ne doit pas être appliquée dans le silence de la loi spéciale.

La loi spéciale de mil huit cent quinze a prévu seulement des cas spéciaux qu'elle a frappée d'une peine spéciale, mais il est évident que ne s'étant point occupé du vol, des déprédations, du faux, de la rébellion et ses autres crimes prévus par la loi générale, elle a renvoyée à cette loi pour leur définition et leur répression, s'il en était autrement, le pirate échapperait donc à tous les crimes non prévus par la loi de mil huit cent quinze ? ce n'est pas possible.

Donc ni les articles 269 et 270 du code d'instruction ni l'article 2 du code pénal, n'ont été violés, et il a été au contraire, fait une juste application de l'article 326 du code d'instruction criminelle.

Sur le quatrième moyen. Le témoin Dupuy ne faisait point partie de la liste de témoins notifiée aux accusés, il avait été seulement assigné par les parties civiles, les accusés avait le droit de s'opposer à ce qu'il prêtât serment.

Ils s'y sont opposés et c'est par suite de leur opposition que Dupuy n'a point prêté serment; et aujourd'hui, devant le tribunal de cassation on pourrait se prévaloir en faveur des accusés d'une faculté qu'ils ont eux-mêmes exercée! Ce serait par trop étrange. Entendu en vertu du pouvoir discrétionnaire du doyen à titre seulement de renseignement, Dupuy n'avait plus besoin de prêter serment; témoin à charge, les accusés en s'opposant à sa prestation de serment voulaient diminuer l'importance de son témoignage: il a été fait droit à leur réquisition.

Ce quatrième moyen est aussi mal fondé que les trois premiers. Et ils seront tous rejetés par le tribunal.

Ouï le rapport du juge D. Lafond, les observations de Mes. J. Lavaud, Linstant Pradine et Camille Nau pour les demandeurs, celles de Mes. St.-Amand, Chance et Archin pour les sieurs Cano et Juan Cotès, parties civiles, ensemble les conclusions du citoyen D. Lallemand, substitut du commissaire du gouvernement; et après délibération en la chambre du conseil;

Vu le jugement attaqué, les moyens produits et les autres pièces du procès;

Vu les articles de lois cités à l'appui du pourvoi;

Statuant sur le premier chef du premier moyen pris de la violation de l'article 211 du code d'instruction criminelle et du droit sacré de la défense:

Attendu que conformément à cet article, il n'est dû copie à l'accusé que des déclarations écrites des témoins, et des procès-verbaux constatant le crime; que, dans l'espèce, les indices graves qui avaient déterminé la mise en accusation des deman-

deurs, se trouvent énoncés, non seulement, dans les procès-verbaux concernant spécialement les interrogatoires et les confrontations qu'ils avaient subis, tant pardevant les autorités du Fort-Liberté que pardevant la commission d'enquête du Port-au-Prince et magistrat instructeur de ce ressort ; mais encore dans les papiers saisis à bord du navire le William, dont la destination n'est nullement douteuse : qu'aucune loi n'exige qu'il soit donné copie aux accusés de leurs interrogatoires, de leurs confrontations et des documents pris en leur possession ; que de l'examen des pièces de la procédure, il résulte que les témoins entendus aux débats oraux n'avaient point été assignés par le juge d'instruction ; qu'en partie ils n'ont été assignés et ils n'ont comparu devant le tribunal criminel du Port au-Prince que sur les requêtes du ministère public et des parties civiles ; qu'il est évident que c'est après avoir été traduits devant ledit tribunal où ils avaient déjà excipé des questions d'incompétence, que Pelletier et consorts ont réclamé copie et la communication des pièces selon que le prescrit l'article 211 ci-dessus cité, que, sur leur requête, le doyen du tribunal criminel a écrit la décision ordonnant que toutes les pièces de la procédure leur fussent communiquées ; que, d'après le procès-verbal de la séance, le tribunal criminel a maintenu cette décision ; que dès lors, les demandeurs pouvaient prendre connaissance de tous les actes fesant partie du dossier ; qu'ainsi, ledit tribunal n'a ni méconnu le principe ayant trait au droit de la défense ni dépassé ses attributions ; qu'au surplus, les papiers saisis à bord du William sont les seuls, dont copie serait susceptible d'être livrée aux demandeurs ; qu'à l'égard de ces papiers qui sont censés leur appartenir, il était impossible qu'ils se fussent mépris sur toutes les circonstances qui se rattachaient à l'accusation élevée contre eux ; que, de tout quoi, il résulte que, en demandant la communication ci-dessus mentionnée ; qui ne leur avait pas été refusée, et en agissant comme il l'ont fait, leur intention était de paralyser l'action de la vindicte publique ;

Sur le second chef du premier moyen pris de l'omission

commise par le doyen et le greffier de n'avoir pas signé la décision concernant la communication des pièces.

Attendu que cette décision se rencontre dans le procès-verbal rédigé en exécution de l'article 304 du code, d'instruction criminelle; que ledit procès-verbal qui ne peut être invalidé par des allégations appuyées de certificats est signé par le doyen et par les juges, ainsi que par le greffier; d'où il suit qu'il a été satisfait au vœu du législateur.

Sur le deuxième moyen pris de la violation de l'article 200 du code d'instruction criminelle.

Attendu que l'examen du procès-verbal de la séance, lequel fait foi jusqu'à inscription de faux, il résulte que les demandeurs ont été défendus par Mes. Clavier et Quiqueron; que cela est tellement vrai que Me. Clavier avait allégué que le sieur Jean Félix Lacouture, assigné comme témoin par les parties civiles, avait une intimité avec les sieurs Cotès et Cano; que la déposition de ce témoin ne concernait que Pelletier; que ledit procès-verbal qui atteste cette allégation constate aussi que les plaidoîries ont été terminées par Me. Quiqueron qui a eu la parole le dernier; qu'il s'en suit que l'article 200 ci-dessus relaté n'a pas été violé;

Sur le troisième moyen pris de la violation des articles 199 et 202 du code d'instruction criminelle;

Attendu que le doyen a procédé à l'interrogatoire de Thomas Collas et lui a fait les avertissements que prescrits la loi; que le procès-verbal relatif à cet interrogatoire est signé tant par celui-ci que par ledit magistrat; que dès lors, il y a présomption que Thomas Collas a pu entendre ce que lui disait le doyen touchant la faculté qui lui était donnée, aux fins de ce pourvoir contre l'ordonnance de la chambre du conseil, qui lui avait été notifiée et dont copie lui avait été laissée; qu'ainsi, aucun obstacle n'a été apporté au libre exercice du droit de la défense.

Sur le quatrième moyen pris de la violation des règles de la compétence et d'un excès de pouvoir.

Attendu qu'en admettant même que la chambre du conseil

n'eût par mission de décider s'il existe ou non des preuves de culpabilité, sa décision dans l'occurrence ne saurait donner ouverture à cassation les demandeurs ne l'ayant pas attaquée a l'époque fixée par la loi et la jurisprudence ; qu'au surplus, il entrait dans les pouvoirs de cette chambre d'examiner et de déclarer si la prévention portée contre les accusés était établie par des preuves ou des indices suffisants.—*A continuer.*

LE MONITEUR HAITIEN.

N°. 48.

Le — novembre 1861.

EXHIBIT 9.

AU NOM DE LA RÉPUBLIQUE.

(Suite et fin.)

Sur le cinquième moyen pris de la violation de l'article 265 du code d'instruction criminelle.

Attendu d'une part, qu'il ressort évidemment du procès-verbal de la séance que le citoyen Lewis Pouilh père, interprète juré, se conformant à la réquisition du doyen, a exercé constamment ses fonctions pour ce qui concerne l'accusé Thomas Collas et les parties du débat oral où la mission du dit interprète a pu être utile à la défense de cet accusé ; qu'il n'existe aucune disposition législative qui autorise le greffier à relater dans le procès-verbal d'audience tout ce qui a été traduit et lu par l'interprète devant le tribunal criminel ; que le conseil de l'accusé, s'identifiant avec lui, est forcé par la nature de son mandat, de prendre ses précautions aux fins de s'assurer de l'accomplissement des obligations imposées à l'interprète, ou, dans le cas contraire, de faire ses réserves contre le refus d'un droit accordé par la loi à son client ; que d'après le procès-verbal de la séance, on ne saurait articuler aucun grief à ce sujet ;

Attendu d'autre part qu'il ressort également et dudit procès-verbal des débats et du procès-verbal rédigé par le commissaire

du gouvernement près le tribunal civil du Port-au-Prince, que le doyen, en se renferment dans les limites de ses pouvoirs discrétionnaires, a fait donner lecture, non des déclarations écrites des témoins absents, mais des interrogatoires des matelots du *William* emprisonnés par Pelletier dans le courant du mois d'août mil-huit-cent-soixante un; alors que ledit Pelletier n'était l'objet d'aucune poursuite criminelle, malgré les présomptions graves et les écrits contenus dans divers journaux, desquels l'on pouvait induire qu'Antonio Pelletier était un véritable ennemi du genre humain, que les faits énumérés; dans lesdits interrogatoires ne sont relatifs qu'aux déprédations commises en pleine mer au préjudice des sieurs Cano et Cotès par Pelletier, auquel lesdits matelots avaient imputé d'avoir combiné le projet de faire la traite; que lesdits faits ne se rapportent nullement à Thomas Collas; qu'en supposant qu'ils constituent des charges contre lui, Thomas Collas innocenté comme complice de Pelletier, qui est seul déclaré coupable de ces déprédations, serait sans intérêt de présenter des moyens de cassation à l'égard des interrogatories ci-dessus mentionnés qui sont étrangers aux faits commis au Fort-Liberté et qui ont seulement déterminé sa condamnation; que de tout ce qui précède il résulte que l'article 265 ci-dessus visé n'a pas été violé.

Sur le sixième moyen pris de la violation de l'article 216 du code d'instruction criminelle.

Attendu que les motifs qui ont provoqué la proclamation de la loi martiale n'ont été suscités que par un but politique, fondé sur la sureté publique; que, cependant cette mesure n'a aucunement paralysé la marche des tribunaux ordinaires; que, d'ailleurs, les demandeurs n'ont présenté aucun acte qui justifie que les citoyens fesant partie du jury du jugement étaient incorporés dans la garde nationale; qu'en outre, il est irréfragable que le jury était composé des citioyens ayant l'âge voulu et jouissant de leurs droits politiques et civils, selon le prescrit de l'article 216 ci-dessus cité.

Sur le septième moyen pris de la violation de l'article 265 du code d'instruction criminelle.

Attendu que, lorsqu'un individu est nommé interprète de l'accusé sans qu'il soit interprète juré et judiciaire, le doyen est tenu, à peine de nullité, d'exiger de lui le serment que veut ledit article 265, qu'il n'en est pas de même à l'égard d'un interprète assermenté et judiciaire ayant un caractère permanent, qui le dispense de renouveler son serment dans toutes les affaires où il est appelé à remplir ses fonctions; que l'interprète qui a été requis pour Thomas Collas se trouvant dans cette dernière condition, il n'en saurait, dès lors, résulter une violation de l'article 265 du code d'instruction criminelle;

Sur le huitième moyen pris de la violation de l'article 304 du code d'instruction criminelle;

Attendu que fut-il constant que le greffier aurait énoncé dans le procès-verbal des débats les réponses des accusés et les déclarations des témoins, ces énonciations, non défendues à peine de nullité par ledit article 304, ne pourraient sous aucun rapport constituer un moyen de cassation.

Sur le treizième moyen pris d'un excès de pouvoir;

Attendu que, par suite de la condamnation des demandeurs, c'est l'instruction orale contre laquelle on est en droit de soulever des griefs, non contre l'instruction écrite qui est inattaquable par la raison que l'ordonnance de la chambre du conseil n'avait pas été déférée en cassation dans les délais exigés par la loi.

En ce qui concerne les quatre moyens présentés d'office par le ministère public:

Sur le premier moyen pris de la violation de l'article 257 du code d'instruction criminelle;

Attendu que le sieur Miranda, qui n'avait pas été reconnu comme dénonciateur dans le sens de l'article 257 ci-dessus visé, avait été poursuivi par le ministère public; que d'après l'ordonnance de la chambre du conseil il a été relaxé de la prévention par le motif qu'il n'avait pris aucune part au vol et à la tentative de piraterie et qu'il avait fait sa déclaration conformément à l'article 11 de la loi du huit avril mil-huit cent quinze sur la piraterie; que dans l'acte d'accusation on remarque la mention

suivante : " Le capitaine Pelletier est forcé d'avouer que s'il eut été obligé d'exhiber ses papiers aux autorités du Fort-Liberté, après la dénonciation de Miranda, il aurait été un peu embarrassé ;"

Qu'en droit, il existe des dénonciateurs quelquefois secrets puisque l'article 291 dispose en ces termes : " La partie civile est tenue de former sa demande en dommages-intérêts avant le jugement ; plus tard, elle sera non recevable. Il en est de même de l'accusé, s'il a connu son dénonciateur ;" que l'article 257 ne désigne pas celui qui doit avertir le jury de la qualité du dénonciateur ; qu'en admettant même que la déclaration de Miranda ait le caractère de la dénonciation dont par le le dit article 257, on constaterait que, par les énonciations de l'acte d'accusation et de l'ordonnance de la chambre du conseil, lus par le greffier en présence des accusés et des jurés, il a été suffisamment satisfait au vœu de la loi ; qu'il est encore essentiel de ne pas perdre de vue que c'est immédiatement après l'exposition du sujet de l'accusation par le ministère public que le tribunal criminel procède à l'audition des témoins ; que cette exposition n'est que la reproduction fidèle de tous les faits mentionnés dans l'acte d'accusation et l'ordonnance de la chambre du conseil : D'où il suit que le jury n'avait pu se méprendre sur la qualité du sieur Miranda, qui le premier a été entendu dès que le ministère public avait terminé son exposé :

Sur le troisième moyen pris de la violation de l'article 2 du Code pénal.

Attendu que le crime de traite, que le législateur assimile au crime de piraterie, ne consiste pas seulement dans un achat et une revente d'individus, il consiste dans toute espèce de participation à des entreprises ayant pour objet une telle transaction ;

Attendu qu'à l'égard de la piraterie qui est aussi inouïe, exécrable, que la traite, tous les moyens frauduleux employés pour la consommer sont des actes préparatoires qui, assimilés à des actes d'exécution, sont incriminés par le législateur et forment par eux mêmes, et indépendamment des résultats de l'en-

treprise, le crime puni par la loi de mil huit cent quinze; qu'on doit s'étayer sur l'esprit de cette loi et sur les anciennes ordonnances qu'elle maintient à l'égard des cas non prévus, pour bien se fixer sur les éléments constitutifs de ce crime; que, suivant les principes ci-dessus exprimés, il suffit qu'on ait tenté de faire la piraterie pour que cette tentative, reconnue constante, comme dans l'espèce, soit punie par la loi spéciale, sans qu'il soit nécessaire qu'une telle tentative renferme toutes les circonstances prévues par l'article 2 du Code pénal.

Sur le quatrième moyen pris de la violation de l'article 251 du code d'instruction criminelle:

Attendu que la liste des témoins dont la notification a été faite aux accusés mentionne les personnes dont les noms suivent: Miranda Pierre, Théodore N. Cesvest, Vil Maximilien et Elise; que sur cette liste ne figure point le nom du sieur Jh. Dupuy; que la loi confère le droit au conseil de l'accusé de faire des réquisitions et des observations dans l'intérêt de celui-ci; que, d'après le procès-verbal d'audience, Me. Clavier a été l'organe des demandeurs; qu'il est incontestable que cet avocat a protesté a l'audition du témoin Jh. Dupuy, assigné par les parties civiles, qui n'avaient pas fait notifier son nom aux accusés: Ce qui établit que le dit témoin n'était pas acquis au procès; qu'il est constaté par ledit procès-verbal que Me. St. Amand avocat des parties civiles avait demandé qu'il eut déposé à titre de simples renseignements: que dès lors, il avait formellement acquiescé à la protestation de Me. Clavier;

Attendu qu'en recevant sans prestation de serment, en vertu du pouvoir discrétionnaire, du consentement de Me. St.-Amand, par suite de l'opposition dudit Me. Clavier, la déclaration dudit témoin Jh. Dupuy parce qu'il avait entendu, dans l'auditoire, la déposition d'autres témoins, le Doyen du tribunal criminel n'a point violé ledit article 251, ni excédé les bornes du pouvoir discrétionnaire; qu'il est en outre démontré qu'aucun conflit n'a eu lieu à cet égard entre ledit Me. Clavier, le ministère public et Me. St. Amand, ce qui alors aurait pu provoquer une décision émanée du tribunal criminel.

Sur le neuvième moyen du pourvoi des demandeurs, pris de la fausse interprétation, et par suite de la fausse application des articles 5 et 6 du code d'instruction criminelle :

Attendu qu'en matière criminelle, les motifs des jugements, ne reposent que sur les faits déclarés constants par le jury ; que, bien que le tribunal, qui a rendu le jugement dénoncé, ait raisonné sur les dits articles concernant des faits non soumis au verdict du jury, il n'en saurait cependant résulter matière à cassation.

Mais, sur les dixième, onzième, douzième moyens pris d'un excès de pouvoir, de la fausse interprétation et de la fausse application de l'article 3, titre 2 de la loi du huit avril mil huit cent quinze, et des articles 2, 10, 20, 44, 324 et 326 du Code pénal, et de la violation des règles de la compétence ; ainsi que sur le second moyen invoqué d'office par le ministère public :

Attendu qu'il importe d'interpréter sainement les lois de mil huit cent huit et de mil huit cent quinze invoquées par les demandeurs, afin qu'à ce sujet il n'existe point de doute sur l'intention du législateur.

Attendu quelle que soit la critique élevée contre la définition de la piraterie, qui est punie par la loi de mil huit cent quinze, il est pourtant clair qu'il ressort du rapprochement et de la combinaison de cette définition et des dispositions pénales de ladite loi, que les législateurs de l'époque reconnaissent que la piraterie est un crime de lèse humanité, qui porte atteinte essentiellement au droit des gens ; qu'en effet dans les motifs de la sus-dite loi on constate la disposition sacramentelle conçue en ces termes " Considérant que le crime de piraterie est un délit poursuivi par toutes les nations " que dans les observations soumises par un membre du corps législatif au chef du pouvoir exécutif d'alors relativement à ladite loi, se rencontre la même expression suivie de la phrase rédigée comme suit : " La piraterie est le mot générique ".

Attendu que l'article 1er. de la loi précitée consacre en termes formels et généraux que tout individu atteint et convaincu de piraterie, et qui a commis des assassinats sur mer, sur n'im-

porte quel bâtiment, sera puni de mort, son embarcation et tout ce qui en fait partie, confisqués au profit de la République. Que l'article 2 exige que les objets trouvés sur une embarcation pour fait de piraterie et susceptibles à réclamation, soient vendus, et le montant desdits objets versé au trésor public, pour que remise en soit faite à qui de droit dans l'an et le jour, aux termes des anciennes ordonnances; que l'article 3 prescrit que tout individu atteint et convaincu de piraterie, et qui n'aurait point commis d'assassinat, sera condamné à cinq années de fers; que, par ces articles on voit clairement la pensée du législateur, concernant la confiscation du navire, destiné à la piraterie au seul profit de l'Etat, et le montant des objets susceptibles à reclamation, versé au trésor pour le compte de qui de droit, si toutefois on fait cette réclamation en temps utile;

Attendu que l'article 5 de la loi ci-dessus relatée s'exprime ainsi:

" Tous pirates étrangers qui aborderont les côtes de la Ré-
" publique, ou pris en mer par les gardes côtes de l'Etat seront
" également punis de mort, s'ils ont commis des assassinats sur
" des bâtiments haïtiens ou sur ceux en relation de commerce
" avec la République. Dans ce cas seulement, le sénat déroge
" à l'article 5 du titre 1er. de la loi du vingt-quatre août mil
" huit cent huit."

Attendu que cet article 5 de la dernière loi est formulé comme suit:

" Les délits commis par les marins étrangers sur leurs pro-
" pres bâtiments soit pour faits de révolte, sédition ou tous
" autres cas criminels, qui n'influent point sur les intérêts du
" pays ne sont point poursuivis en Haïti."

Attendu que du texte et de l'esprit du dit article 5, il résulte évidemment qu'en cas que les pirates étrangers ne commettent point des crimes qui influent sur les intérêts du pays, ils ne sont point justiciable des tribunaux haïtiens.

Attendu que, commettre des tentatives de traite et de piraterie sur les côtes d'Haïti, c'est influer incontestablement sur les intérêts de la nation; c'est la résolution de lui enlever

frauduleusement une partie de ses membres ; c'est enfin violer le droit des gens ; que, soutenir le contraire, c'est rayer dudit article 5 les mots suivants " tous autres cas criminels qui n'influent point sur les intérêts du pays ", que désormais on n'allègue plus que les tribunaux de la République, ne peuvent juger les pirates étrangers que dans le cas seulement où ils sont accusés d'assassinat ;

Attendu que la piraterie qui se compose de faits divers, a des caractères spéciaux précisés par la loi spéciale de mil huit cent quinze et les anciennes ordonnances qui y sont relatives ; qu'elle soulève tellement l'indignation du législateur que les articles 1er. et 11 qui sont placés au titre 1er. de ladite loi sur la définition de ce crime, veulent non-seulement qu'elle soit sévèrement poursuivie, mais qu'on réputo comme complice de piraterie celui qui se trouve avec les pirates et qui, rendu dans un des ports de la République, n'aurait pas fait sa déclaration pardevant les autorités soit civiles ou militaires du lieu ;

Attendu que le législateur pleinement convaincu des principes qui régissent le droit des gens, a renvoyé aux anciennes ordonnances tous les cas non prévus par la loi sus-énoncée ; qu'en réfléchissant attentivement, on se convaincra que ce n'est pas en vain qu'il a déterminé ce renvoi spécifié dans l'art. 8 de la susdite loi ;

Attendu qu'Antonio Pelletier est déclaré coupable de la piraterie et de la soustraction frauduleuse de marchandises, commises tant en pleine mer qu'au Grand-Caïman, au préjudice des sieurs Juan Cotès et Antonio Cano ; que le verdict du jury confirme que ces faits ont été consommés en Haïti ; qu'outre les faits ci-dessus mentionnés, Antonio Pelletier est encore déclaré coupable par le jury d'une tentative de piraterie et de traite sur les côtes d'Haïti ; que John Henry Brown, Thomas Collas et Urbain Castaing sont reconnus coupables de cette tentative comme complices de Pelletier ; qu'il est constant que ladite tentative a influé sur les intérêts du pays, par la raison que l'entreprise projetée et le but arrêté de Pelletier et consorts deviennent une vérité, solennellement et irrévocablement

sanctionnée par la déclaration du jury ; qu'ainsi Pelletier et consorts, pirates étrangers, pris sur les côtes d'Haïti, comme coupables de tentative de piraterie, étaient justiciables de la justice répressive du pays ;

Attendu que si la peine prononcée contre les complices de Pelletier est la même que celle punie par la loi de mil huit cent quinze et par les anciennes ordonnances qui s'y rapportent et qu'elle ne puissent vicier leur jugement de condamnation, il n'en est pas de même de la peine capitale prononcée contre Antonio Pelletier ;

Attendu qu'il n'y a aucune analogie, aucune assimilation possible entre les crimes prévus par le code pénal et les crimes de traite et de piraterie caractérisés par la loi de mil huit cent quinze et les anciennes ordonnances ci-dessus invoquées ; qu'à ces derniers crimes d'une nature spéciale, il leur avait fallu des circonstances propres qui les qualifient et des peines spéciales ;

Attendu qu'aux termes de l'art. 1er. de ladite loi, les pirates, fussent-il. coupables de déprédations sur mer, à main armée, ne pourraient être condamnés à mort, s'ils ne sont pas atteints et convaincus d'assassinat ;

Attendu que les déprédations commises en pleine mer au préjudice de Juan Cotès et Antonio Cano par Pelletier, ainsi qu'il résulte du verdict du jury, ne sont point suivies de faits d'assassinats qu'elles ne tombent point sous l'application du code pénal ordinaire ; mais qu'elles entrent dans la catégorie des actes caractéristiques de la piraterie contre laquelle toutes les nations civilisées, unies par les sentiments humanitaires, s'arment et se fortifient, pour en punir la perpétration ;

Attendu dès lors qu'en condamnant Pelletier à la peine capitale le tribunal criminel du Port-au-Prince s'est placé audessus du législateur en commettant un énorme excès de pouvoir, et a fait par suite une fausse application des dispositions législatives qui règlent la matière ;

Par ces motifs, le tribunal, en ce qui concerne uniquement Antonio Pelletier, casse et annulle le jugement dont est pourvoi, au chef seulement de la condamnation capitale prononcée

contre ledit Pelletier, déclare que les mots suivants: " à main armée " consignés dans la déclaration du jury ne sauraient produire aucun effet, en ce que ces mots ne peuvent se joindre aux mots de déprédations dont il s'agit pour constituer un nouveau chef d'accusation qui est du domaine du droit commun—Renvoie Antonio Pelletier pardevant le tribunal criminel séant au Cap-Haïtien, afin que sans assistance du jury, il ait à lui faire une juste application de la loi pénale, en basant son jugement tant sur la déclaration du jury figurée au procès (abstraction faite des mots: à main armée) que sur la loi de mil huit cent quinze touchant la piraterie; maintient les autres dispositions du jugement dénoncé relativement aux condamnations prononcés contre Urbain Castaing, Thomas Collas, et John Henry Brown; Maintient également la disposition dudit jugement concernant la confiscation du navire William au profit de l'Etat; maintient en outre les condamnations en dommages-intérêts et à titre d'indemnité prononcés contre Antonio Pelletier au profit du sieur Antonio Cano et Juan Cotès, et ordonne la compensation des dépens.

Donné de nous J. P. Dauphin doyen, D. Lafond, Jh. Alexandre jeune, St. Laurent Leblanc et Jh. T. Poitevin, juges, en présence du citoyen D. Lallemand, substitut du commissaire du gouvernement, au palais de justice du tribunal de Cassation en audience publique du quatorze octobre mil huit cent soixante-un, an 58e. de l'indépendance.

Il est ordonnée à tous huissiers, sur ce requis de mettre le présent arrêt à exécution; aux officiers du ministère public près les tribunaux civils d'y tenir la main, à tous commandants et autres officiers de la force publique d'y prêter main forte lorsqu'ils en seront légalement requis. En foi de quoi le présent arrêt a été signé par le doyen les juges et le greffier. (Signé) J. P. Dauphin, D. Lafond, Jh. Alexandre jne., St.-Laurent Leblanc, Jh. F. Poitevin et Duviella greffier.

Collationné.

DUVEILLA, *Greffier.*

LE MONITEUR HAITIEN.

No. 12.

February, 1861.

[Translation.]

Exhibit No. 1.

Since her arrival at this port the American bark *William*, Captain Antonio Pelletier, appeared to be an object of suspicion for the police. It it was circulated that, judging by her numerous crew, her cargo, as well as by proposals made to several parties, that ship was intended for the *slave-trade*. These suspicions assumed a character of certainty when one of the passengers on the ship, Mr. A. Baina, of Carthagena, uninvited, has made a written affidavit at the Department of State for the General Police, that, on December 6th, 1860, the *William*, chartered at Carthagena by Mr. Juan Cotes, a clerk of the firm Antoine Cano, British vice-consul at Rio Hacha, left that port bound to Rio Hacha, after taking a cargo of merchandise for Mr. Cotes, who came on board with his wife and a young girl. Captain Pelletier, probably on account of his want of practice in these latitudes, engaged the pilot Césarin César, of Carthagena, and took as cabin-boy a young man from that place, called Juan Gutierrez.

The ship, far from taking her course towards her place of destination, Rio Hacha, shunned that port, and, after twelve or thirteen days at sea, Captain Pelletier informed Mr. Cotes, who was already uneasy, that his mainmast was threatening to fall, and that, on account of being short of water, he was compelled to allowance his crew and his passengers. Mr. Cotes, who was accompanied by his wife in an interesting state and a child two years old, requested the captain to put into Jamaica. The captain refused, and after stipulating an exorbitant price, he decided to put into Grand Cayman, where he left Mr. Cotes and his family, giving him only a few boxes of soap out of his merchandise. This man Baina further says the mate of the

William, when he arrived at Carthagena, having just come from Mobile, had given the crew to understand that the captain had deceived them, and that his intention was to go slave-trading. This disclosure from the mate brought upon him the displeasure of the captain, who took his revenge by having him handcuffed. However, the mate managed to make his escape in a boat, and went on board the British S.S. Gladiator, then in the port of Carthagena, where protection was afforded him. The British captain presented a complaint to the local authorities, but received no satisfaction. It is supposed that the Gladiator intended to capture the *William*. This thought was about being carried into effect, when an order from the consul sent the steamship to another station, where she was called for H. B. M.'s service. However, the idea of returning soon to Carthagena was not abandoned, neither the hope of still finding there the William, suspected to be a slave-trader.

From Grand Cayman Captain Pelletier went to Cienfuegos, where he kept out to sea, and sent on shore a boat that was seized on account of the ship being suspected. In consequence Captain Pelletier took his ship into port, went on shore, and succeeded in having his mate and the men in the boat set at liberty, people say, after having agreed to pay a large sum.

From Cienfuegos, without saying a word about his plans, the *William* went to Port-au-Prince.

Mr. A. Baina and all the crew of the *William* assert that Captain A. Pelletier intended slave-trading. Mr. Joseph Dupuy, a Frenchman, who was also on board, declares the William to have already been captured by the American man-of-war *Crusher*, Captain John Moffith, under French colors, in the Gulf of Mexico, very near Florida, with 454 negroes; that Captain Pelletier himself informed him of the case, an account of which is, besides, published in the American newspapers.

The offer made to the persons who were to complete the crew of the William, which had the effect of inducing them to expect a reward of three or four thousand francs at the end of the campaign, together with the proposal of finding for Cap-

tain A. Pelletier fifty men and six women from Hayti, to go with him to collect guano; the twin deck, the construction of which he announced here, the handcuffs and the quantities of arms and ammunition found on board the William—all these circumstances seem to confirm the suspicions entertained concerning the American bark William, Captain A. Pelletier.

These are the grave surmises, added to the repeated declarations of Mr. A. Baina, that have decided the Secretary of State for the General Police to request from the deponents a formal denunciation in writing; Mr. Baina has furnished it. (Document No. 1.)

Not content with having simply denounced the ship to the Government of Hayti, Mr. Baina made a far more complete declaration to Mr. Henry Byron, in charge of the Consulate-General and of the British Legation, in which he describes the course of the William, the stratagems of the captain to appropriate the merchandise he had received as freight from Mr. J. Cotes, the privations he submitted his charterer and passenger to, and lastly, the danger he, Baina, himself was in with the two other men from Grenada, showing that the purpose of Captain A. Pelletier was to keep them on board in order to sell them; so it is that they have requested and succeeded in obtaining the efficient protection of the vice-consul of H. B. M.

In his declaration to the Secretary of State for the General Police, Baina has asserted that five sailors of the crew of the William, acquainted with the odious plans of Captain Pelletier, had made known their indignation; the captain was greatly displeased, and, in order to avoid the risk of having his intent discovered, appealed to the intervention of the American consul to have the five sailors sent to jail. These five sailors are Carlo Tiscomia, Juan Poux, Antonio Lowos, Pablos Rabantes, and William Smith.

For the sake of truth, and in order to avoid the risk of taking an inconsiderate step, the Secretary of State for the General Police, during the afternoon of February 2d, invited the

Commissioner of the Government for the Civil Court of Port-au-Prince, and the Adjutant-General, N. Gateau, attaché to the Department of the General Police, to receive the declaration of these five sailors. (Doc. No. 2.)

All five ratified the declaration of Baina, and Carlo Tiscomia added that, in fact, as carpenter of the ship, he had been commanded by Captain Pelletier to build the twin deck to receive the laborers he intended to take in Hayti; that he felt reluctant to make use of his skill in behalf of plans so criminal, and had preferred to bury his tools in the ocean. (Doc. No. 3.)

In presence of such express declarations, could the Government of Hayti remain passive? No; at this stage of the proceedings, in view of the irregularities attending the expedition of the *William*, accused also of having failed to specify in her manifest all the merchandise she was laden with, as well as the papers relating to her cargo, the Secretary of State for the General Police requested General Carrié, commander of the city of Port-au-Prince, to proceed to an inspection of the port, and to inform him particularly in what condition he found the American ship William, Captain Pelletier, denounced to the Government as a slave-trader. General Carrié started in company of the Commissioner of the Government Lillavois, Colonel Celcis, Chief of Movements in Port, and the Police Commissioner Veriquin. Having boarded the William, they found Mr. Urbain Castaing, mate of said ship, who, the captain being absent, received them; after a conversation, these functionaries walked the deck and at last found, in a trunk without a lid, placed on a table, twenty pairs of handcuffs, with their keys; as Baina had already left one pair of these handcuffs with the Government as a proof of what he had declared, the attention of the officers was aroused, and they carried their investigation as far as to ask Urbain Castaing if they had no weapons on board. Then the mate showed them in a cabin twelve revolvers, six-shooters, four rifles, a revolver having a poniard at the butt end; the mate said it was

his own weapon. Urbain showed them likewise two casks of gunpowder. These instruments of torture, arms, and ammunition had not been legally declared at the custom-house, nor did they appear on the ship's manifest. There was also found nineteen woollen blankets, ninety-four bundles of tobacco, and many other goods not yet landed. In the midst of all this the captain arrived. He refused to deliver the handcuffs and arms to the authorities of Hayti without an express order of his consul, arguing that the intended use of the handcuffs was for the discipline on board of his ship.

Generel Carrié reported to the Secretary of State for the General Police, who observed that, as the ship was not wholly unloaded, the custom-house laws imposed upon him the obligation of placing a garrison on board until the complete unloading should be proved by an official report of the custom-house, and that he advised him to obey this imperative command of the law; and it was done.

The same officers, conformably to this order, returned on board the William, drew up an official report, and this time came on shore with the twenty pairs of handcuffs. So far everything went on very smoothly and most harmoniously, but when the mate saw that the authorities were taking possession of the handcuffs he maintained that possession of his ship had been taken and that he was going to leave her. General Carrié answered that the authorities did not intend taking possession of the ship; that the watch was placed there in compliance with our custom laws, and every vessel, while unloading, was bound to submit to this law. The commander of the place was on the point of leaving the ship while the mate was making preparations to disembark.

On the following day, Sunday, Mr. Lewis, commercial agent of the United States, communicated with the Government, and contended that the officers who had been on board the William had behaved roughly, and had even insulted the American flag. It must be observed that Captain Pelletier, in order to conceal his plans, had done the same thing at Cienfuegos,

thinking he would scare the authorities by means of such threats. It is not to be supposed Mr. Lewis could make such an affirmation, unless it was suggested to him; but we also maintain that the man who could invent such an untruth against functionaries both respectable and gentlemanly found himself in need of resorting to that stratagem in order to free himself from the entanglement his conscience gave him to understand he had fallen into. General Carrié and the other officers have emphatically repelled such an imputation, and, on their part, have made all reserve against the impostor who could, in such a manner, offend their official character and their personal honor. (Doc. No. 4.)

On Monday morning Juan Palisser, a sailor on board the William, came of his own accord and confirmed in all its details the denunciation of his fellow-sailors, as well as the declaration of Mr. Baina, and further says he was on board of the ship when the authorities visited her; that the first time the flag was flying, and that the second time it was well secured on its proper place by the cabin-boy, as it was customary to do. (Doc. No. 5.)

Miguel Costa, a sailor on board the William, confirms in all their particulars the foregoing declarations, and further says that the captain, while allowing them to promenade the city on Sunday, had expressly recommended them to answer *they knew nothing whatever*, to any question asked by whoever it might be. (Doc. No. 6.)

Antonio Ferrer, a sailor on board the William, confirms the foregoing declaration in all its particulars, and asserts also that the flag of his ship has in no way been roughly handled by the police officers who went on board. (Doc. No. 7.)

Juan Gutierrey, cabin-boy of Captain Pelletier, has confirmed everything, and has declared that by order of the mate he had secured the flag in its place, and that it is impossible the officers should have trodden upon it. He further says that by the advice of his brother-in-law, Césarin César, he engaged for fifteen days with Captain Pelletier for the voyage of Car-

thagena to Rio-Hacha, and that, young as he is, he finds himself in Hayti, knowing not where to find the means of going back to his family; that he has cause for fear in his present situation, as he is of African race, and that the ship is a slave-trader; that this same ship bears the marks of two cannon shots, one at larboard on the stern, the other at starboard on the stern. (Doc. No. 8.)

Césarin César, a pilot residing at Cienfuegos, declares to have made an engagement for only fifteen days, in order to take the William to Rio Hacha; that he was surprised to notice that the captain when at sea was personally steering the ship to a point out of her course. He states that the captain, with a view to frighten the passengers, pretended that the water was short and the mainmast in bad condition. He certifies that after landing Mr. Juan Cotès, his pregnant wife, his child, and his servant at Grand Cayman, the ship sailed for Hayti; that on arriving leeward of Jamaica the captain rambled about the coast of Cuba and tacked about in view of the city of Cienfuegos during a whole day. There the ship was suspected to be a slave-trader, and a boat manned by four sailors the captain sent ashore was detained; that in consequence the captain decided to anchor in the port of that city; and he further asserts that as a sailor he has been in position to ascertain that the ship is flat bottomed, a good sailer, and richly provided with stores and arms. All this concurs to confirm what he learned at Cienfuegos, viz., that the ship was a slave-trader. He says that since Saturday, in spite of the carpenter being absent, the captain had been able to find another mechanic, who was working at the twin deck intended to be built and to receive the fifty men and six women the captain proposed to engage here to go guano gathering. (Doc. No. 9.)

On this same day Vil Maximilien, a crimp, spontaneously presented himself to the authorities to declare that Captain Pelletier had given him commission to find here about fifty men and six women to go with him in search of guano; that

he would give them fourteen *gourdes* a day. Mr. Antonio Pelletier himself has confirmed this statement.

Vil Maximilien observed that such a thing could not be done here without an order from principal chief. Pelletier answered he already had permission from the commander of the city that he could proceed to find the hands. Vil Maximilien offers to uphold this declaration in presence of Captain Pelletier to the end. (Doc No. 10.)

Captain Pelletier at the time had not met the commander of the city, had never asked anything from him, and, by giving Vil Maximilien to understand he had a permit from the authorities, he intended to deceive him by this falsehood.

Joseph Dupuy, cook on board the William, spontaneously declared to the justice of the peace of the southern division of the capital that he had engaged with Captain Pelletier for a voyage from Mobile to Carthagena, and that, when in the last-named port, Captain Pelletier had informed him he was going slave-trading on the coast of the West Indies; and he gives as a proof of what he says the arms, stores, number of casks with water, as well as the twin deck on board the ship—things that are not necessarily required for a merchant vessel. He asserts that while in Carthagena it was because the mate refused his consent to become accomplice of the captain in such trading that the captain had him put in irons; that the said mate was fortunate enough to make his escape, to reach the British man-of-war Gladiator, and find protection. Dupuy also states that the names on the ship's register of the "William" do not correspond with the names of the men on board, and he asserts that Captain Pelletier made him a confidant of his having been already captured, while engaged in that trade, by the American man of war "Crusher," Captain Moffith, with a cargo of 454 negroes, and that at the time his ship was flying the French colors. This happened in the Gulf of Mexico, near Florida. Dupuy concluded saying that at Cienfuegos the crew had succeeded in becoming well aware of the captain's intentions, and even thought of abandoning a ship

the contrivances of which, the stock, and the twin deck evidently showed she was intended for piracy. (Doc. No. 11.)

These various statements coincided so exactly that the authorities gave orders for an examination on board the ship "William," with the object in view of ascertaining whether a twin deck was really in course of construction. The report of experts on this subject is as follows:

"Colonel Denys Légitime and the chiefs of the naval yards, etc., have declared before us that the *cross beams laid, the pieces of posts cut*, and the quantity of boards found in the hold, betray the construction either of a secret chamber or of a twin deck already commenced. Every one of us having noticed the same, we close," etc., etc. (Doc. No. 12.)

Now come the terms of a paper written in Spanish and not signed, translated by us, and that Mr. Baina delivered in our hands in order to support his charges against Captain Pelletier; said paper, according to his statement, was found by him on board:

"Directions furnished to the captain of bark "*Lit*," in connection with his voyage to Rio Laïre, on the coast of Africa, and his stopping at a point off the coast of the Island of Cuba.

"The captain of the bark will be careful to have his custom papers delivered for a voyage on the African coast, with the purpose of trading, and to have all his papers well viseed, his ship register, as well as his bill of health.

"On arriving near the coast he must be aware that he will be visited by some British man-of-war. The officers use a great many stratagems in order to deceive the American captains; but those only need to have patience and firmness; their answer must be that they are going to Rider or some other places to buy gum, oil of coco, dye-wood, and the British captains, with their character, will not further molest them.

"At the mouth of the river and leeward of the place named Loanda he will be recognized by the enclosed counter-signal: a boat will come with a clerk who will give orders to the captain, and point out the place where the unloading has to be effected; the captain will obey.

" The ship being unloaded, the captain will obey the orders given him by my agents until the cargo is on board, and then he will follow exactly the instructions I give in the inclosed envelope. The utmost secrecy is recommended in regard to these instructions, on which depends the success or the failure of an expedition that costs so much money and so much labor. These instructions shall be delivered under seal to the captain; he will take cognizance of them when out to sea." (Doc. No. 13.)

In presence of declarations so express, and indications of such gravity, where are to be found the authorities who could remain unmoved in a free country, administered by a regular government?

The law of November 19th, 1839, as well as the convention of December 23d, 1839, by which the Haytien Government acceded to the treaty of November 30th, 1831, between Great Britain and France, for the repression of the slave-trade, impose upon us the duty of detecting and punishing all such attempts; to denounce to the proper authorities all foreign ships suspected of being employed in slave-trading. This we have done in the present instance, because all the crew of the ship agrees in accusing her of being a slave-trader.

But with respect to the voyage of the " William," there are still very serious considerations to be taken into account: the manner she has been scouring the West Indian sea, going in and out of every port without ever showing the clearance of the last place she came from. This consideration is the more striking because when arriving at Port-au-Prince Captain Pelletier stated he was coming from New Orleans; this is not true. Besides, having no legal clearance from New Orleans, a port in the State of Louisiana, the crew declare that the " William" had left Mobile, in the State of Alabama, with a cargo of lumber for Carthagena. In Carthagena the captain received on board freight for Rio Hacha. Neither did he go to that place. We see him possessed of the merchandise he received as freight after having, by the use of subterfuges, succeeded

in landing the charterer at Grand Cayman. From Grand Cayman he went to Cienfuegos, a city of Cuba, from whence he came to Port-au-Prince. Therefore he has concealed his course; he has not, in spite of the alleged possession of them. presented to the authorities of this port the papers, in due form, from the places he has visited.

All these facts are not calculated to commend to the police of a free country the truthfulness of Captain Pelletier. The trade of America and Hayti is carried on on the largest scale. and it is for the first time we hear that handcuffs are absolutely necessary on board an American ship in order to maintain discipline, a twin deck to accommodate passengers, more than one hundred casks for water supply of the ship, and an immense store of arms and ammunition, which Captain Pelletier took good care not to declare at the custom-house.

Persons, either designedly or on account of being ill-informed, have hastily given an interpretation to the proceedings of the authorities.

In the ignorance of the reasons on which they rest, people went so far as being reckless in saying the Government had promised a satisfaction to Captain Pelletier. We now expect that the foregoing exposition of facts, together with the documents annexed, will silence such rumors and place the case in its true light. It will be proved that the police did its duty: that the rights of all have been respected, and that the authorities of Hayti have acted in a becoming manner, and thus fulfilled their task according to the forms prescribed by law.